

ROCHESTER CITY COUNCIL

REGULAR MEETING

DECEMBER 15, 2009

Present - Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 8.

Absent – Councilmember Santiago - 1.

The Council Vice President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

**DES**

\*Paul A. Lenhard

**RFD**

Richard P. Mattice

\*Donald J. Sauer, Jr.

**RPD**

\*Kathie M. Hoff

\*David R. Mace

\*David E. Morales

*\*Not attending meeting.*

**Presentations To Outgoing Councilmembers**

John F. Lightfoot

William F. Pritchard

Gladys Santiago

APPROVAL OF THE MINUTES

By Councilmember Conklin

RESOLVED, that the minutes of the Regular Meeting of November 9, 2009 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

December 15, 2009

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges 3998-09  
Public Disclosure - HOME Participation (2) 3999-09, 4000-09  
Quarterly Reports 4001-09  
Liability Claims  
Compensation Claims

THE COUNCIL PRESIDENT --- PRESENTATION AND REFERENCE OF PETITIONS AND  
REMONSTRANCES.

44 signatures against red light cameras. Petition No. 1641

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Changing The Zoning Classification Of A Portion Of 583-585 Hudson Avenue From R-1 Low Density  
Residential To C-1 Neighborhood Center Int. No. 452 No speakers.

Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To The  
Corner Of Hudson Avenue And Clifford Avenue Int. No. 453 No speakers.

Changing The Zoning Classification Of A Portion Of 85 Palm Street From M-1 Industrial To R-1 Low  
Density Residential Int. No. 454 No speakers.

Approving Changes In The Pavement Width Of University Avenue And North Goodman Street  
Int. No. 468 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

REPORTS OF STANDING COMMITTEES  
AND ACTION THEREON

By Councilmember Conklin  
December 15, 2009

To the Council:

The Finance Committee recommends for Adoption the following entitled legislation:

Int. No. 440 - Authorizing The Director Of Finance To Cancel Real Property Taxes Or Charges Of  
\$1,000 Or Less

Int. No. 441 - Establishing Maximum Compensation For An Amendatory Professional Services  
Agreement For Spanish Translation Services

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Int. No. 442 - Establishing Maximum Compensation For A Professional Services Agreement For Dental Insurance Administration Services

Int. No. 443 - Establishing Maximum Compensation For A Professional Services Agreement For COBRA Administration Services

Int. No. 444 - Establishing Maximum Compensation For A Professional Services Agreement For Computing Systems Engineering Services

Int. No. 445 - Resolution Approving An Appointment To The Board Of Assessment Review

Int. No. 446 - Resolution Appointing Temporary Members To The Board Of Assessment Review

Int. No. 447 - Amending The Budget For Transition Expenses, As Amended

Int. No. 466 - Establishing Maximum Compensation For A Professional Services Agreement For Computing Systems Replacement

Int. No. 470 - Amending Chapter 39 Of The Municipal Code, Building Code, With Respect To Stormwater Pollution Prevention Measures

Int. No. 471 - Amending The Municipal Code With Respect To The Parking Director

Int. No. 472 - Amending The Municipal Code With Respect To Code Enforcement Procedures And Charges

Int. No. 473 - Local Law Amending The Charter Of The City Of Rochester With Respect To Delegation Of Authority By The Mayor

Int. No. 474 - Amending The Municipal Code With Respect To Air Guns

Int. No. 475 - Amending The Municipal Code With Respect To The Director Of Planning And Zoning

Int. No. 476 - Amending Ordinance No. 2009-386, Relating To The University Avenue Improvement And ARTWalk2 Enhancement Projects And Ordinance No. 2008-178 To Provide Ashwood Drive Funding, As Amended

Int. No. 477 - Local Law Amending The Charter Of The City Of Rochester With Respect To Official Newspapers

Int. No. 478 - Amending The Municipal Code With Respect To Official Newspapers

Int. No. 484 - Local Law Amending The City Charter With Respect To The Salary Of The Mayor

Int. No. 485 - Local Law Amending The City Charter With Respect To The Salary Of Members Of The City Council

Respectfully submitted,  
Carolee A. Conklin  
Carla M. Palumbo  
Lovely A. Warren (*Absent*)  
FINANCE COMMITTEE

Received, filed and published

December 15, 2009

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-400  
Re: Authorization - Tax Cancellations  
And Refunds

Transmitted herewith for your approval is legislation authorizing the Director of Finance to cancel or refund certain erroneous ad valorem taxes, charges and fees during 2010.

Each year, approximately 63,000 tax bills are issued by the City. In 2008-09, the most recently completed fiscal year, these bills contained City and School taxes, charges and fees totaling \$196,088,229.88.

Of this amount, taxes and charges totaling \$1,678,907.80, or 0.86%, of the total levy, were subsequently determined to be erroneous and were canceled. These cancellations involved 250 accounts, or 0.40%, of the total number.

Pursuant to Section 556 of the N.Y.S. Real Property Tax Law, the City Council is required to approve all cancellations. Under the provisions of Chapter 383 of the Laws of 1984, however, it may delegate to the Director of Finance the authority to approve such cancellations, under certain conditions.

Such delegation was initially approved by the Council on March 24, 1987. Under Chapter 515 of the Laws of 1997, the maximum authorized to be canceled administratively is \$2,500.

Approval of this authorization is required annually, and the authorization to cancel charges up to the amount of \$1,000 was most recently approved on December 23, 2008. To date for calendar year 2009, the Director of Finance has authorized cancellations totaling \$36,519.82 for 107 accounts.

Reapproval of this delegation of authority is requested for 2010. As you are aware, the purpose of such delegation is to reduce the amount of time required to correct a taxpayer's account and, in some instances, to issue a refund.

The following conditions will continue to be applicable:

1. A report summarizing all cancellations approved by the Director of Finance during any month will be submitted to the Council by the fifteenth day of the subsequent month; and
2. The total cancellations approved by the Director for any fiscal year will not exceed the amount of the tax reserve (provision for uncollected or delinquent amounts) established by the Council for that year.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-400  
(Int. No. 440)

Authorizing The Director Of Finance To Cancel Real Property Taxes  
Or Charges Of \$1,000 Or Less

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Director of Finance is hereby authorized to approve the cancellation of real property taxes and/or charges or fees added to taxes subject to the following conditions:

- a. The amount to be cancelled for any year for any particular account shall be \$1,000 or less;

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- b. A report summarizing all cancellations approved by the Director during any month shall be submitted to the City Council by the 15th day of the subsequent month; and
- c. The total amount of cancellations approved by the Director for any fiscal year shall not exceed the amount of tax reserve (provisions for uncollected or delinquent amounts) established by the City Council for that year.

Section 2. This ordinance shall be in effect for calendar year 2010.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-401

Re: Amendatory Agreement - Spanish  
Communication Services, Inc.,  
Spanish Translation

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Spanish Communication Services, Inc., Rochester, to provide additional English-to-Spanish translation of City-produced literature and other materials. The original agreement, executed in October 2009, established maximum compensation of \$10,000 for a term of one year. This amendment will extend the original agreement by four years to October 2014, and increase compensation by \$50,000 for a maximum of \$60,000. The cost will be funded from the annual Budgets of the Bureau of Communications (\$10,000), and the departments requiring translation services.

In previous years, the costs for Spanish translation have been: \$7,635 (2006-07); \$9,285 (2007-08); and \$11,280 (2008-09). To date, \$4,750 has been spent in 2009-10.

This amendatory agreement will provide resources to meet the growing demand for translation.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-401  
(Int. No. 441)

Establishing Maximum Compensation For An Amendatory  
Professional Services Agreement For Spanish Translation Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Spanish Communication Services, Inc. for Spanish translation services for the City through October, 2014. Of said amount, \$10,000 annually shall be funded from the 2009-10 and subsequent budgets of the Bureau of Communications and the remainder shall be funded from the annual budgets of the Departments requesting the translation services, contingent upon adoption of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

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TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-402  
Re: Agreement - Guardian Life  
Insurance Company of America,  
Employee Dental Plan

Transmitted herewith for your approval is legislation establishing \$62,100 as maximum total compensation for a two-year agreement with Guardian Life Insurance Company of America for administration of a dental insurance plan for the Administrative, Professional and Technical (APT) and Confidential employee groups. The annual cost of the agreement, \$31,050, will be funded from the 2009-10 Budget for Undistributed Expense, and the 2010-11 Budget for Undistributed Expense, pending approval.

Bids for these services were solicited resulting in five vendor submissions. In addition to Guardian, proposals were received from SunLife, Cigna, Delta Dental, and Aetna.

Guardian has provided dental benefits for the City on an insured basis since 2006. The recommendation to continue with Guardian and move to a self-funded arrangement for this employee group is based on the following:

- The proposed monthly rate of \$5.90 per enrollee/per month is lower than all of the other received proposals.
- Savings for the City are estimated at \$38,000 annually by making this change.
- Paid dental claims have been significantly lower than premiums paid for the insured plans consistently over the past four years.
- Participants are provided an annual maximum benefit of \$1,000 which limits the City's liability with regard to large claims.
- Effective relationships with Guardian have been developed in all areas of plan management including the billing and reconciliation process, production of reports and online administrative capabilities.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-402  
(Int. No. 442)

Establishing Maximum Compensation For A Professional Services  
Agreement For Dental Insurance Administration Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$31,050, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and Guardian Life Insurance Company of America for administration of the Guardian Dental Insurance Plan for Administrative, Professional and Technical and Confidential City employees for a term of two years. Said amounts shall be funded from the 2009-10 and 2010-11 Budgets for Undistributed Expense, contingent upon approval of the latter budget.

Section 2. This ordinance shall take effect immediately.

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Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-403

Re: Agreement - EBS-RMSCO, COBRA  
Administration Services

Transmitted herewith for your approval is legislation establishing \$10,000 as maximum annual compensation for a three-year agreement with EBS-RMSCO, An Excellus Company, for COBRA administration services. The agreement will be funded from the 2009-10 and subsequent annual Budgets for Undistributed Expense.

The Consolidated Omnibus Budget Reconciliation Act (COBRA) was enacted by Congress in 1986 to provide continuation of group health coverage that otherwise might be terminated. COBRA provides certain former employees, retirees, spouses, former spouses, and dependent children access to temporary continuation of health coverage at group rates.

Administration of COBRA includes very specific guidelines that are dictated by the U.S. Department of Labor and require mailing a variety of notifications to potential and covered participants. These notifications inform participants of their rights to continuation coverage and are mailed when initially enrolled in health insurance, when making any changes to coverage and if/when coverage is lost.

Bids for this service were solicited resulting in four vendor submissions: EBS-RMSCO, MVP Heathcare, Heath Economics Group, and Benefits Plus of NY. The contract with Benefits Plus, who currently handles a portion of the City's COBRA process, expires December 31, 2009.

EBS-RMSCO is recommended based on the following:

- Their proposed rates are guaranteed for three years and include full administration of the COBRA process, including notifications, invoicing, collecting premiums and maintaining required logs of activity.
- The firm is located in Rochester and has the capability and resources required to address continually changing compliance requirements in all areas of benefits regulations.

The term of the agreement will be for three years - January 1, 2010 through December 31, 2012.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-403  
(Int. No. 443)

Establishing Maximum Compensation For A Professional Services  
Agreement For COBRA Administration Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the annual compensation to be paid for a professional services agreement between the City and EBS-RMSCO for COBRA administration services for a term of three years. Said amounts shall be funded from

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the 2009-10, 2010-11 and 2011-12 Budgets for Undistributed Expense, contingent upon approval of future budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No.2009-404  
Re: Agreement - Technisource,  
Computing Infrastructure Systems  
Engineering

Transmitted herewith for your approval is legislation establishing \$149,760 as maximum compensation for an agreement with Technisource, a division of Spherion Atlantic Enterprises, LLC , Fairport, NY, for services to support the implementation of information systems for the Finance Department and the Bureau of Human Resource Management. The cost of this agreement will be funded from the 2009-10 Budget of the Information Technology Department.

Technisource will use their expertise in computer system engineering to guide the evaluation, selection, and deployment of the infrastructure required to support the implementation of new information systems for the City. This will include developing a data center to support ERP software, and network engineering and telecommunication business functions.

Technisource is recommended for these services based on its ability to provide high quality at a fair price; the firm is also a New York State Contract vendor.

The term of this agreement will be for one year. Using these services on a consultant basis will enable the ITD to determine its long-term staffing needs related to ERP implementation and management.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-404  
(Int. No. 444)

Establishing Maximum Compensation For A Professional Services  
Agreement For Computing Systems Engineering Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$149,760, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Technisource for systems engineering services for the Finance and Human Resource Management Information Systems implementation. Said amount shall be funded from the 2009-10 Budget of the Information Technology Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL



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Ladies and Gentlemen:

Resolution No. 2009-18  
Re: Appointment - Board of  
Assessment Review

Transmitted herewith for your approval is legislation to approve the appointment of the following individual to the Board of Assessment Review for a five-year term through September 30, 2014:

Carl C. Klein  
290 Westminster Road  
Rochester, NY 14607

Mr. Klein will replace Robert Boxer, whose term has expired. Prior to his retirement, Mr. Klein served for twenty-seven years as a staff Assessor for the City, specializing in commercial properties. He was a temporary member of the Board of Assessment Review for the past two years. A copy of his resume is on file in the City Clerk's Office.

Respectfully submitted,  
Gladys Santiago  
President

Resolution No. 2009-18  
(Int. No. 445)

Resolution Approving An Appointment To The Board Of  
Assessment Review

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Carl C. Klein, 290 Westminster Road, Rochester, NY 14607 to the Board of Assessment Review for a term that will expire on September 30, 2014.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Resolution No. 2009-19  
Re: Temporary Appointments -  
Board of Assessment Review

Transmitted herewith for your approval is legislation appointing the following individuals to serve as temporary members of the Board of Assessment Review:

Peter J. Easterly  
65 Beacon Street  
Rochester, NY 14607

Justin R. Martin  
232 Henrietta Street  
Rochester, NY 14620

Barbara M. Story  
1598 Highland Avenue  
Rochester, NY 14618

Ruth Brooks Ward  
104 Melrose Street  
Rochester, NY 14619

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Each year, a need arises for more review panels than can be provided by the existing five-member board. State law permits appointing a number of temporary panelists up to two times the membership of the permanent board, or a maximum of ten panelists. The City Assessor anticipates that four panelists will be required for the workload in the coming cycle.

The four temporary members would each serve for one year and would receive the same compensation rate as permanent board members. Hearings will be conducted by panels of three members each, drawn from the pool of eleven. Each panel would have a minimum of one permanent Board member who would serve as its Chair.

The City successfully utilized three-member assessment review panels during the revaluations of 1984, 1986, 1990, 1996, 2000, 2004 and 2008, as well as during the intervening years. As in the past, all panel decisions would be reviewed by the permanent Board in executive session. The Board of Assessment Review would have the option of accepting or modifying a panel's decision or, if necessary, scheduling a second hearing with the property owner and the Assessor to reexamine the facts and testimony.

Approval of the appointments will allow members to receive mandatory training by the County before hearings begin in March. The appointment of additional board members will have no impact on the City's budget.

Respectfully submitted,  
Gladys Santiago  
President

Resolution No. 2009-19  
(Int. No. 446)

Resolution Appointing Temporary Members To The Board Of  
Assessment Review

Section 1. The Council hereby appoints the following persons to serve as temporary members of the Board of Assessment Review during 2010:

Peter J. Easterly  
65 Beacon Street  
Rochester, NY 14607

Justin R. Martin  
232 Henrietta Street  
Rochester, NY 14620

Barbara M. Story  
1598 Highland Avenue  
Rochester, NY 14618

Ruth Brooks Ward  
104 Melrose Street  
Rochester, NY 14619

Section 2. The temporary members of the Board of Assessment Review shall be compensated in the same amount and manner as permanent Board members.

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-405  
Re: Transition Expenses

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Transmitted herewith for your approval is legislation transferring \$30,000 from the Contingency account to the Budget of the City Council/City Clerk for transition expenses. As you know, the City Council's long-time Chief of Staff, William F. Sullivan, will be retiring on January 22, 2010. Council is currently considering potential replacements for that position and is hoping to have someone in place shortly after the beginning of the year to work with Mr. Sullivan for several weeks through the end of his service.

In addition, there will be three new Councilmembers joining Council in January, the largest influx of new members in twenty years. As a result, it may be necessary to authorize additional expenditures for consulting services over the coming months to ensure a seamless transition. The proposed transfer from Contingency should provide adequate funds for both purposes.

Respectfully submitted,  
Gladys Santiago  
President

Carolee A. Conklin  
Chair, Finance Committee

Ordinance No. 2009-405  
(Int. No. 447, As Amended)

Amending The Budget For Transition Expenses

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ord. No. 2009-[234] 188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$30,000 from the Contingency account to the Budget of the City Council/City Clerk for transition expenditures.

Section 2. Ord. No. 2009-184 is hereby amended by changing the purpose of a \$3,000 allocation from Mr. & Mrs. Trendsetter Fashion Show to an Anti-Violence Concert at the War Memorial.

Section 3. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-406  
Re: Agreement - Tyler Technologies,  
Inc., Information Technology  
Management System/Enterprise  
Resource Program Infrastructure

Transmitted herewith for your approval is legislation establishing \$5,000,000 as maximum compensation for an agreement with Tyler Technologies, Inc., Falmouth, Maine, to provide software and services related to the implementation of the first project as part of the City's long-term plan to replace existing computing and mainframe systems. The cost of this agreement will be funded from the Cash Capital allocations of the annual Budget as follows: 2009-10 - \$1,808,681; 2008-09 - \$1,394,168; and 2006-07 - \$797,151. The balance of \$1,000,000, will be funded from future Cash Capital allocations as planned for in the Capital Improvement Plan. The term of the agreement will be for five years.

The City's current main-frame and in-house computing and software systems are out-dated; maintaining and updating them is costly and inefficient. A comprehensive upgrade will integrate and streamline several processes, providing both system and fiscal efficiencies, as well as flexibility for future computing

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and information technology needs. This approach, known as enterprise resource programs, will eliminate dependence on the mainframe and the numerous process-specific programs currently in use.

The long-term plan consists of a multi-phase implementation of Back Office and Front Office Programs, Fire and Police Programs, and hardware replacement. In this first project, Tyler will address the Back Office systems and will provide a software solution to address financial processes (specifically accounting and purchasing) and processes used by the Municipal Parking Bureau. Future projects will address payroll, assessment, budgeting, and human resource management processes.

Tyler will provide software and implementation services including project management, data migration, change management, system integration, system configuration, and training. Successful implementation will depend on effective, comprehensive training and change management, which may require additional services from other vendors for efficiency and cost savings. Should this need arise, separate action will be requested of Council.

A request for proposals for these services was issued in July 2008 directly to eight firms and posted on the City Web site. Responses were received from ten firms. Initial review identified three firms for full interviews and demonstrations - Tyler Technologies, Oracle, and Lawson. Based on final review and reference checks, Tyler Technologies is recommended as uniquely qualified based on its expertise with Government systems, overall experience and success in providing similar services to other clients, and their ability to provide an enterprise solution to replace several legacy systems.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-406  
(Int. No. 466)

Establishing Maximum Compensation For A Professional Services  
Agreement For Computing Systems Replacement

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$5,000,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Tyler Technologies, Inc. for the first phase of the City's replacement of existing computing and mainframe systems. The agreement shall extend for a term of five years. Of said amount, \$797,151 shall be funded from the 2006-07 Cash Capital allocation, \$1,394,168 shall be funded from the 2008-09 Cash Capital allocation and \$1,808,681 shall be funded from the 2009-10 Cash Capital allocation, and \$1,000,000 shall be funded from future Cash Capital allocations, contingent upon adoption of future budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-407, Ordinance No. 2009-408,  
Ordinance No. 2009-409, Local Law No. 9, Ordinance No. 2009-410,  
Ordinance No. 2009-411, Ordinance No. 2009-412, Local Law No. 10  
And Ordinance No. 2009-413

Re: Technical Amendments

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Transmitted herewith for your approval is legislation making technical amendments to the City Charter and Code and a previous ordinance as follows:

1. Amend various provisions of the Stormwater regulations to correct certain references. Section 39-444 contained two references to fees in Section 39-450, which does not contain fees, and Section 39-448 referred to itself instead of Section 39-427.
2. Amend the Vehicle and Traffic Code to clarify that the Parking Director has the authority to approve rates for parking in City-owned parking lots and to authorize the Parking Director to approve the immobilization of vehicles. The approval of parking lot rates has traditionally been an administrative function accomplished by the Municipal Parking Coordinator through operator agreements approved by the Council. The Council will still be required to approve the terms of the agreements. Parking monitors, who are now under the Parking Director, have identified the vehicles to be immobilized with the approval of a police officer. The amendment will allow the Parking Director as well as police officers to approve the immobilization. Towing companies have generally immobilized the vehicles.
3. Amend various sections of the Municipal Code with respect to the new Department of Neighborhood and Business Development and to clarify due process procedures for notices and orders, vacate orders and the case management fee.
4. Amend the City Charter to clarify the power of the Mayor to delegate to the Commissioner of Neighborhood and Business Development authority to execute agreements. In light of the recent Department changes, this amendment will allow the Commissioner to delegate such power to other NBD officials with the approval of the Mayor. The Commissioner approves a number of small loans and grants through programs approved by the City Council which can more efficiently be approved by other members of the NBD staff.
5. Amend the City Code to provide a new definition of "air gun" for the firearms regulations found in Section 47-5. The previous definition was found to be too broad by the Supreme Court, Monroe County, because it could apply to objects like staple guns or nail guns that were not designed as weapons.
6. Amend the Zoning Code to clarify that the Director of Planning and Zoning may delegate authority to administer the Zoning Code. This power is already provided in the City Charter and in the definitions found in the Zoning Code. This amendment will also provide the delegation power in the applicable administrative and procedural sections of the Code, so that the authority is obvious to persons needing various zoning approvals. The Manager of Zoning has general responsibility for administration of the Zoning Code.
7. Amend Ordinance No. 2009-386, relating to the University Avenue Improvement and ARTWalk2 Enhancement Projects, which amended the 2009-10 Budget of the City of Rochester by transferring funds from Contingency for the Projects, to round the amount of the transfer from \$288,850 to \$288,900 to meet budget requirements.
8. Amend the City Charter and City Code to consistently refer to notices appearing in an official newspaper of the City and to provide for the designation of up to four official newspapers. Although most notices appear in either the Democrat and Chronicle or the Daily Record, some notices are appropriately placed in the City Newspaper and Council may also consider allowing appropriate notices to be placed in the Rochester Business Journal.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-407

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(Int. No. 470)

Amending Chapter 39 Of The Municipal Code, Building Code, With  
Respect To Stormwater Pollution Prevention Measures

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 39-444 of the Municipal Code, Compliance, as amended, is hereby further amended by amending Subsections C(4) and (5) thereof to read in their entirety as follows:

- (4) Any applicable fees.
- (5) The SWPPP shall be prepared to meet the requirements of Section 39-447 through Section 39-449. The Maintenance Agreement shall be prepared to meet the requirements of Section 39-449.

Section 2. Section 39-448 of the Municipal Code, Compliance, as amended, is hereby further amended by amending Subsections C(1) thereof to read in its entirety as follows:

- (1) All information listed in Section 39-427, Stormwater pollution prevention plan requirements.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-408  
(Int. No. 471)

Amending The Municipal Code With Respect To The Parking  
Director

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 111-77 of the Municipal Code, Immobilization of vehicles, as amended, is hereby further amended by deleting the words “an officer or member of the Police Department” in each place that they appear in Subsection A thereof and by inserting in their place the words “a police officer or the Parking Director”.

Section 2. Section 111-77 of the Municipal Code is hereby further amended by deleting the words “the officer or member of the Police Department” in each place that they appear in Subsection A thereof and by inserting in their place the words “the police officer or Parking Director”.

Section 3. Section 111-107 of the Municipal Code, Fees for use of individual parking spaces, as amended, is hereby further amended by adding to the end of Subsection A thereof the following new sentence:

The Parking Director shall approve the fees for parking in parking stations.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-409  
(Int. No. 472)

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Amending The Municipal Code With Respect To Code Enforcement  
Procedures And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 52-5 of the Municipal Code, Nuisances, as amended, is hereby further amended by amending Subsections A(2) thereof to read in its entirety as follows:

- (2) Whenever the Commissioner causes a notice and order to be issued pursuant to this chapter requiring the owner to remedy existing nuisances or violations, the owner may request a meeting with the Commissioner or his or her designee. The meeting shall be held prior to the expiration of the period for compliance so prescribed. When a vacate order has been issued, the procedures set forth in Section 52-5A(3) shall apply.

Section 2. Section 52-5 of the Municipal Code is hereby further amended by amending the final sentence of Subsection C(1) thereof to read in its entirety as follows:

The Department shall keep a record of such notices and orders, together with the acts done and items of cost incurred in their execution.

Section 3. Section 54-24 of the Municipal Code, relating to enforcement of the Fire Prevention Code, as amended, is hereby further amended by deleting the words "NET Director or" where they are contained in Subsection B thereof.

Section 4. Section 59-53 of the Municipal Code, relating to enforcement of the Health and Sanitation Code, as amended, is hereby further amended by deleting the reference to "§ 90-25" where it is contained in Subsection D thereof and by inserting in its place the reference "§ 90-16".

Section 5. Section 90-21 of the Municipal Code, Fees for inspections, as amended, is hereby further amended by amending Subsection F thereof to read in its entirety as follows:

- F. All notice and orders shall contain a statement that any cited violation which is not abated within one (1) year of the issuance date will be subject to a case management fee of \$100. Upon the expiration of the one (1) year period, the Director of Inspection and Compliance Services or his or her designee shall review the case file and notify the property owner of the assessment of the fee in writing by first class mail addressed to the owner's tax mailing address for the premises or served personally on the owner. Whenever a case management fee has been assessed against a parcel, the owner may protest the fee assessment in a writing delivered to the Director of Inspection and Compliance Services within 10 business days from the date of the notice of assessment. Upon the receipt of a written protest, the Director shall review the case file and the written submission of the owner and make a determination on the protest in writing within 10 business days from the date of the protest. Such determination shall be the final determination of the City with respect to the assessment of the fee and shall be subject to review pursuant to Article 78 of the Civil Practice Law and Rules.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Local Law No. 9  
(Int. No. 473)

Local Law Amending The Charter Of The City Of Rochester With  
Respect To Delegation Of Authority By The Mayor

December 15, 2009

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester," as amended, is hereby further amended by amending Subsection P of Section 3-3, Powers and duties of Mayor, to read in its entirety as follows:

- P. Notwithstanding § 3-3J of the City Charter, the Mayor is hereby authorized to delegate authority to enter into agreements on behalf of the City to the Commissioner of Neighborhood and Business Development in the case of housing assistance and business assistance contracts for programs authorized by the City Council, and sales contracts with the United States Department of Housing and Urban Development to purchase foreclosed properties. The Commissioner may further delegate such authority to employees of the Neighborhood and Business Development Department with the approval of the Mayor.

Section 2. This local law shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-410  
(Int. No. 474)

Amending The Municipal Code With Respect To Air Guns

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 47-5 of the Municipal Code, Firearms, rifles, shotguns and other dangerous weapons, as amended, is hereby further amended by adding the following new definition to replace the former definition of AIR GUN:

AIR GUN - Any pistol, revolver, rifle or shotgun which fires projectiles by means of a spring or compressed air or other gas, instead of an explosive.

Section 2. This ordinance shall take effect on January 11, 2010.

Passed unanimously.

Ordinance No. 2009-411  
(Int. No. 475)

Amending The Municipal Code With Respect To The Director Of  
Planning And Zoning

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 120-182 of the Municipal Code, Director of Planning and Zoning, as amended, is hereby further amended by amending the introductory to Subsection E(2) thereof to read in its entirety as follows:

- (2) In addition to the jurisdiction, authority and duties conferred on the Director of Planning and Zoning by other provisions of the Charter, codes and ordinances of the City of Rochester, the Director of Planning and Zoning, or a designee, shall be charged with the administration of this chapter and shall have all powers necessary to such administration and, in particular, shall have the following jurisdiction, authority and duties:



December 15, 2009

Section 2. Section 120-191 of the Municipal Code, Procedures approved by the Director of Planning and Zoning, as amended, is hereby further amended by adding the words “,or a designee,” after the words “Director of Planning and Zoning” where they are contained in the following subsections thereof:

120-191A(1)  
120-191C(1)  
120-191D(1)

Section 3. Section 120-191 of the Municipal Code, Procedures approved by the Director of Planning and Zoning, as amended, is hereby further amended by adding the words “of Planning and Zoning” in each place where they do not already appear after the word “Director” in the following subsections thereof:

120-191B(5)(b)  
120-191D(4)  
120-191D(5)(b)[1]  
120-191D(6)  
120-191D(7)

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-412  
(Int. No. 476, As Amended)

Amending Ordinance No. 2009-386, Relating To The University  
Avenue Improvement And ARTWalk2 Enhancement Projects And  
Ordinance No. 2008-178 To Provide Ashwood Drive Funding

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 4 of Ordinance No. 2009-386, which amended the 2009-10 Budget of the City of Rochester, relating to the University Avenue Improvement and ARTWalk2 Enhancement Projects, is hereby amended by changing the amount of the transfer from the Contingency allocation to the Cash Capital allocation from \$288,850 to \$288,900.

Section 2. Ordinance No. 2008-178, relating to the Bremen Street Group Improvement Project, is hereby amended by adding the Ashwood Drive Improvement Project as an additional purpose of the appropriation approved in Section 2 thereof.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

Local Law No. 10  
(Int. No. 477)

Local Law Amending The Charter Of The City Of Rochester With  
Respect To Official Newspapers

BE IT ENACTED, by the Council of the City of Rochester as follows:

December 15, 2009

Section 1. Chapter 755 of the Laws of 1907, entitled “An Act Constituting the Charter of the City of Rochester,” as amended, is hereby further amended by amending Section 5-10, Publication of ordinances, proceedings of the Council and official notices, by deleting the word “the” where it appears before the words “official newspaper” in the second to last sentence thereof and by inserting in its place the word “an”, and by repealing the final sentence thereof.

Section 2. Section 5-11 of the City Charter, Publication of penal ordinances, as amended, is hereby further amended by deleting the word “the” where it appears before the words “official newspaper” in the first sentence thereof and by inserting in its place the word “an”.

Section 3. Section 5-13 of the City Charter, Official newspapers, as amended, is hereby further amended to read in its entirety as follows:

§ 5-13. Official newspapers.

The Council shall designate, biennially in January of each even-numbered year, the official newspapers for the City. Required notices may be placed in one or more such newspapers.

Section 4. Section 5-53 of the City Charter, Action on referring petitions, as amended, is hereby further amended by deleting the word “the” where it appears before the words “official newspaper” therein and by inserting in its place the word “an”.

Section 5. Section 13-4 of the City Charter, Hearings on local improvements, as amended, is hereby further amended by deleting the words “the official paper or papers” where they appear in the second sentence thereof and by inserting in their place the words “an official newspaper of the City”.

Section 6. This local law shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-413  
(Int. No. 478)

Amending The Municipal Code With Respect To Official  
Newspapers

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 43A-28 of the Municipal Code, Procedure, is hereby amended by deleting the word “the” where it appears before the words “official newspaper” in Subsection A(2) thereof and by inserting in its place the word “an”.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Local Law No. 11 and  
Local Law No. 12  
Re: Salary Adjustments

December 15, 2009

Transmitted herewith for your approval is legislation involving the salaries of the Mayor and City Council. As you are aware, Section 2-12 of the City Charter requires that the City Council establish the salary of the Mayor.

Since 1989, the City Council has used the approach of setting a salary level for the Mayor in the first year of each term and stipulating annual cost of living adjustments (COLAs), with a specific cap on such increases. It has been the intent of this approach that the COLAs would generally protect the salary from erosion by inflation, while the cap would protect the taxpayer from any spikes that might occur in the Consumer Price Index (CPI).

As a result of these policies, the Mayor's current salary is \$131,525; it will remain frozen at that level for 2010. As has been our practice for the past twenty years, in January 2011, 2012, and 2013, that salary would be adjusted to reflect any changes in the CPI-Urban during the previous year, with an annual cap of 3% on such adjustments. The second piece of legislation also freezes the Council salary for 2010 and then re-establishes the same long-standing cost of living formula for the Council.

Last February, in recognition of the economic difficulties facing the City, the Council enacted legislation that permitted the Mayor or any Councilmember to decline any scheduled salary increase. Mayor Duffy did so, and his actual salary at present is \$127,694. The Councilmembers who also declined the scheduled increase are currently earning \$30,641. The proposed legislation will use the scheduled salary level for the calculation of adjustments independent of any decisions by the Mayor or Councilmembers to decline scheduled increases.

Respectfully submitted,  
Gladys Santiago  
President

Carolee A. Conklin, Chair  
Finance Committee

Local Law No. 11  
(Int. No. 484)

Local Law Amending The City Charter With Respect To The Salary  
Of The Mayor

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by repealing the current Subsection A of Section 3-3.1, Salary of the Mayor, and by inserting in its place the following new Subsection A:

- A. Effective January 1, 2010, the annual salary of the Mayor shall be One Hundred Thirty-One Thousand, Five Hundred Twenty-Five Dollars (\$131,525).

Section 2. Section 3-3.1, Salary of the Mayor, is hereby further amended by repealing the current first sentence of Subsection C of Section 3-3.1 and by inserting in its place the following new first sentence, which with the change made in Section 3 hereof shall now constitute Subsection C:

- C. On January 1 of 2011, 2012, and 2013, the annual salary of the Mayor shall be increased by the same percentage, if any, that the Consumer Price Index - Urban has increased during the most recent twelve-month period prior to January 1 for which such Index has been published, except that no such annual increase shall exceed three percent (3%).

Section 3. Section 3-3.1, Salary of the Mayor, is hereby further amended by designating the final sentence of Subsection C thereof as Subsection D thereof:

- C. The Mayor may decline to accept a salary increase through written notification to the Director of Finance.

December 15, 2009

Section 4. Sections 1 and 3 of this local law shall take effect immediately. Section 2 of this local law shall take effect 45 days after the date of its adoption.

Passed unanimously.

Local Law No. 12  
(Int. No. 485)

Local Law Amending The City Charter With Respect To The Salary  
Of Members Of The City Council

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending Section 5-2 thereof, relating to members of the Council, by amending the third to last and second to last sentences of said Section to read in their entirety as follows:

The annual salary of each member of Council is Thirty-One Thousand, Five Hundred Sixty Dollars (\$31,560). On January 1 of 2011, 2012 and 2013, such annual salary shall be increased by the same percentage, if any, that the Consumer Price Index-Urban has increased during the most recent twelve-month period prior to January 1 for which such Index has been published, except that no such increase shall exceed an annual rate of three percent (3%).

Section 2. This local law shall take effect 45 days after the date of its adoption.

Passed unanimously.

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By Councilmember Warren  
December 15, 2009

To the Council:

The Neighborhood & Community Development Committee recommends for Adoption the following entitled legislation:

Int. No. 448 - Authorizing The Sale Of Real Estate

Int. No. 449 - Authorizing Agreements And Appropriating Funds For The Neighborhood Stabilization Program

Int. No. 450 - Amending Ordinance No. 2009-195, Relating To The Tenant Education Program

Int. No. 451 - Approving A Property Tax Exemption And Authorizing An In Lieu Of Tax Agreement And Extension Of Reversionary Interest For The Westfall Heights Apartments Renovation Project

Int. No. 467 - Establishing Maximum Compensation For A Professional Services Agreement For The Consolidated Community Development Plan

Int. No. 479 - Authorizing Facilities Repair Agreements For The Emergency Shelter Grant Program

December 15, 2009

Int. No. 480 - Authorizing A Lease Agreement With Voyager Boat Sales, Inc.

The Neighborhood & Community Development Committee recommends for Consideration the following entitled legislation:

Int. No. 452 - Changing The Zoning Classification Of A Portion Of 583-585 Hudson Avenue From R-1 Low Density Residential To C-1 Neighborhood Center

Int. No. 453 - Amending The Official Map By Dedicating A Parcel To Street Purposes And Adding Said Parcel To The Corner Of Hudson Avenue And Clifford Avenue

Int. No. 454 - Changing The Zoning Classification Of A Portion Of 85 Palm Street From M-1 Industrial To R-1 Low Density Residential

Respectfully submitted,

Lovely A. Warren (*Absent*)

Carolee A. Conklin

Carla M. Palumbo

William F. Pritchard (*Did not vote on Int. No.'s 448 thru 452*)

NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-414

Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of four properties. With the exception of purchasers of unbuildable vacant land, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Bureau of Inspection and Compliance Services were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first three properties are buildable vacant lots being sold to the adjoining owners. The purchasers will combine the parcels with their adjoining properties.

The last property is an unbuildable vacant lot that is being sold to the adjoining owner for \$1.00. The purchaser will combine the parcel with their adjoining property.

The first year projected tax revenue for these four properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$1,411.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,

Robert J. Duffy

Mayor

Attachment No. AI-130

Ordinance No. 2009-414

December 15, 2009

(Int. No. 448)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the negotiated sale of the following parcels of buildable vacant land:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Price</u>	<u>Purchaser</u>
1092 Clifford Ave	106.34-1-66	43x153	\$ 50	Joyce Scott
47 Grand Ave	106.68-2-29	40x128	\$ 450	Tammy Westbrook-Dade
406 Portland Ave	106.42-3-4	43x80	\$2,000	Anthony Randall

Section 2. The Council hereby approves the sale of the following parcel of unbuildable vacant land for the sum of \$1.00:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
94 Weeger St	106.32-3-20	34x102	3,468	Belladira Valverde

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-415  
Re: Neighborhood Stabilization Program

Transmitted herewith for your approval is legislation authorizing agreements with the NY State Housing Finance Agency (HFA) and the New York State Affordable Housing Corporation (AHC) for the receipt and use of Neighborhood Stabilization Program grants from the US Department of Housing and Urban Development. The applications for these grants were approved by City Council in January 2009. The HFA grant amount is \$4,257,581; the AHC amount is \$900,000, for a total of \$5,157,581. This legislation will also authorize agreements with agencies as necessary for program implementation, including Monroe County, the Rochester Housing Development Fund Corporation, and the Greater Rochester Housing Partnership.

The NSP funds will allow the City, in collaboration with Monroe County and the Rochester Housing Development Fund Corporation, to offer a diverse range of housing activities. Over a three-year period the collaboration will:

- Acquire and rehabilitate approximately 150 single-family homes for homeownership;
- Acquire and rehabilitate six single-family and nine two-family abandoned or foreclosed homes for rental housing;
- Provide subsidies for 86 first-time homebuyers; and

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- Demolish 26 City-owned residential structures.

The City will partner with the Greater Rochester Housing Partnership, and with the Rochester Housing Development Fund Corporation acting as its affiliate, to create a financing mechanism for the homeownership portion of the program. NSP funds will work in tandem with the existing financing structure for the Home Rochester Program. The single family homes will be made available to participating Home Rochester developers to be rehabilitated and sold to eligible homebuyers with incomes at or below 120% of Area Median Income.

The program is expected to begin in December 2009 and conclude by December 2012. A program summary is attached.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-131

Ordinance No. 2009-415  
(Int. No. 449)

Authorizing Agreements And Appropriating Funds For The  
Neighborhood Stabilization Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from funds received from the New York State Housing Finance Agency the sum of \$4,257,581, and from funds received from the New York State Affordable Housing Corporation the sum of \$900,000, to fund the Neighborhood Stabilization Program.

Section 2. The Mayor is hereby authorized to enter into agreements with the New York State Housing Finance Agency, the New York State Affordable Housing Corporation, the County of Monroe, the Rochester Housing Development Fund Corporation, the Greater Rochester Housing Partnership, and other necessary parties, to implement the Neighborhood Stabilization Program. The Commissioner of Neighborhood and Business Development, or his designee, is hereby authorized to enter into agreements for rental subsidies as a part of the Neighborhood Stabilization Program. The acquisition and sale of real estate and the cancellation of taxes on such real estate as a part of the Neighborhood Stabilization Program may, when City action is necessary, proceed in accordance with the authority granted for the Asset Control Area Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-416  
Re: Amending Ordinance No. 2009-195,  
Tenant Education Program

Transmitted herewith for your approval is legislation amending Ordinance No. 2009-195 relating to the funding (\$23,688) for the Tenant Education Program. This legislation will change the source of funds to

December 15, 2009

the Improving the Housing Stock and General Property Conditions allocation, Fair Housing fund of the 2007-08 Community Development Block Grant, and appropriate that amount from the new source for the same purpose.

Ordinance No. 2009-195, authorized in June, established \$23,688 as maximum compensation for an agreement with The Housing Council in the Monroe County Area, Inc. to provide workshops in support of the Tenant Education Program and appropriated \$23,688 from the Improve Housing Stock allocation, Rental Housing Fund, of the 2008-09 Community Development Block Grant to fund the agreement.

However, it has been discovered that funding from that source, as initially identified for this program in the 2008-09 Consolidated Community Development Plan, was not available. As a result, a new source is being substituted to fund the program. All other conditions of the ordinance remain the same.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-416  
(Int. No. 450)

Amending Ordinance No. 2009-195, Relating To The Tenant  
Education Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2009-195, relating to the Tenant Education Program, is hereby amended by changing the year of the appropriation from the Improving the Housing Stock and General Property Conditions allocation in Section 2 thereof, from the 2008-09 Community Development Program to 2007-08 (Fair Housing Account).

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-417  
Re: Westfall Heights Affordable  
Housing Project

Transmitted herewith for your approval is legislation relating to the preservation of the Westfall Heights affordable housing project located at 454 Westfall Road which is owned and managed by Rochester Management. This legislation will:

1. Authorize the extension of the reversionary interest of the City in the parcel for 32 years, upon payment of \$287,000; and
2. Authorize a Payment in Lieu of Tax (PILOT) agreement with WH Housing Development Fund Company, Inc., a subsidiary of Rochester Management.

Westfall Heights apartment complex consists of 101 affordable units for families, and includes 21 townhouse units. All are two-bedroom units of approximately 900 square feet. Rochester Management, in conjunction with Conifer Realty LLC, has applied to the New York State Housing Finance Agency (HFA) to make upgrades to the complex. Improvements include:



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- Interior: New kitchen cabinets, appliances, new counters, sinks, window treatments, hardware upgrades, carpet, doors.
- Exterior: New roofs, new vinyl siding and trim, and new Energy Star furnaces.
- Other: A new community space which will include a kitchen, computer lab, laundry facilities, manager's office, outdoor patio space; and six handicapped accessible units.

The total cost of the project will be \$11,017,520, which will be funded using federal and state tax equity, tax exempt bonds, seller note, HFA subsidy loan, replacement reserves, and deferred developer fee. The project is expected to begin in January 2010 and be completed within 12 months.

The amount for the extension of the reversion was determined by a calculation that identified the value of the City's reversionary interest in the property based upon its net operating income.

The PILOT agreement will extend for 32 years and represents 10% of shelter rents minus utilities.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-132

Ordinance No. 2009-417  
(Int. No. 451)

Approving A Property Tax Exemption And Authorizing An In-Lieu-Of Tax Agreement And Extension Of Reversionary Interest For The Westfall Heights Apartments Renovation Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 32 years, the property at 454 Westfall Road, SBL No. 136.79-1-3, to be owned by WH Housing Development Fund Company, Inc. and to be used for housing as a part of the Westfall Heights Apartments Renovation Project.

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for the Westfall Heights Apartments property at 454 Westfall Road for a period of 32 years with WH Housing Development Fund Company, Inc., which shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal to 10% of its annual "shelter rent" for the Westfall Heights Apartments. "Shelter rent" shall equal gross rents less utility costs.

Section 3. The Mayor is hereby authorized to extend the City's reversionary right, title and interest in and to the Westfall Heights Housing Project for 32 years. As consideration for the extension, the City shall be paid the sum of \$287,000.

Section 4. The agreement and instruments shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

December 15, 2009

Ordinance No. 2009-418  
Re: Agreement - Mullin & Lonergan  
Associates, Consolidated Community  
Development Plan

Transmitted herewith for your approval is legislation establishing \$24,965 as maximum compensation for an agreement with Mullin & Lonergan Associates (Pittsburgh, PA) for development of the 2010-15 Consolidated Community Development Plan. The cost of the agreement will be funded from 2009-10 operating budget (professional services) of the Department of Neighborhood and Business Development.

The Consolidated Community Development Plan is prepared every five years as required by the federal funding agencies. The plan includes a community profile, housing and homeless needs assessment, housing market analysis, strategic plan, and annual action plan. It is the basis of the annual action plan whereby funding decisions are made with respect to federal funds received through the Community Development Block Grant, Emergency Solutions Grant (formerly named Emergency Shelter Grant), Housing Opportunities for Persons with AIDS Program, and the HOME Program.

A Request for Proposals for the development of the five-year Consolidated Plan was issued on October 13, 2009 directly to 27 organizations. The RFP was also published in the newspaper and posted on the City's Web site. Proposals were received from thirteen organizations: Saccardi & Schiff, WFN, Inc., Novogradac & Company, Kimlyn Consulting, PMC, Mullin & Lonergan Associates, Carras Community Investment, CZB, Dennison Associates, Urban Design Ventures, Swiger Consulting, AEDU-Tech Systems, and BFJ Planning. The proposals were reviewed by an interdepartmental team of City staff and rated on: understanding and approach to the project; demonstrated experience in preparation of Consolidated Plans and/or other planning and application documents; experience and qualifications of team members; and cost. As a result of this review, Mullin & Lonergan Associates is recommended.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-418  
(Int. No. 467)

Establishing Maximum Compensation For A Professional Services  
Agreement For The Consolidated Community Development Plan

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$24,965, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Mullin & Lonergan Associates for development of the 2010-15 Consolidated Community Development Plan. Said amount shall be funded from the 2009-10 Budget of the Department of Neighborhood and Business Development.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul - 7.

Nays - Councilmember Warren - 1.

TO THE COUNCIL  
Ladies and Gentlemen:

December 15, 2009

Ordinance No. 2009-419

Re: 2009-2010 Emergency Shelter  
Grant Program - Facilities Repair Initiative

Transmitted herewith for your approval is legislation appropriating \$88,813 in 2009-10 Emergency Shelter Grant funds (Undistributed Fund account of the Consolidated Community Development Program), and authorizing agreements with existing ESG shelter and service providers to undertake facility repairs. This legislation will authorize four agreements as follows:

\$27,913	Alternatives for Battered Women, Inc.
\$21,000	The Center for Youth Services, Inc.
\$15,000	Volunteers of America of Western New York, Inc.
\$24,900	YWCA of Rochester and Monroe County

The 2009-10 Consolidated Community Development Plan provides the ESG Undistributed Fund in anticipation of the Facilities Repair Initiative. On October 15, 2009, the City issued a Request for Proposal to the 28 ESG and HOPWA (Housing Opportunities for Persons with AIDS) agencies that provide client services through agreements with the City (list attached). In accordance with ESG guidelines, the funds may be used for exterior structural repairs and interior improvements. Decorative or non-essential improvements are not eligible. No minimum award amount was established. Selection criteria included soundness of the repair strategy in relationship to improving services for clients, and feasibility of the proposed repairs in relationship to the dollars requested. Nine agencies submitted proposals for a total of \$237,427.

This legislation will enable the City to comply with HUD regulations that require encumbrance no later than December 31, 2009.

The Bureau of Business and Housing Development will be responsible for overseeing the projects.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-133

Ordinance No. 2009-419  
(Int. No. 479)

Authorizing Facilities Repair Agreements For The Emergency  
Shelter Grant Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations in the following amounts for facilities repair projects under the Emergency Shelter Grant Program:

<u>Organization</u>	<u>Amount</u>
Alternatives for Battered Women	\$27,913
The Center for Youth Services, Inc.	21,000
Volunteers of America of Western New York, Inc.	15,000
YWCA of Rochester and Monroe County	24,900

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$88,813, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2009-10 Emergency Shelter Grant Program Funds.

December 15, 2009

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Warren - 7.

Nays - None - 0.

Councilmember Spauld abstained because she is an employee for the Center for Youth Services, Inc.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-420

Re: Lease - 1015 Thomas Avenue

Transmitted herewith for your approval is legislation authorizing a one-year lease agreement with Voyager Boat Sales, Inc. for the continued use of City-owned land located at 1015 Thomas Avenue. Voyager has leased this area from the City for more than thirty years.

The current lease is due to expire on December 31, 2009. The new lease will commence January 1, 2010 and expire on December 31, 2010. The monthly rental amount will be \$2,300 and was established through an independent appraisal prepared by Robert G. Pogel, SRPA on December 1, 2009.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-134

Ordinance No. 2009-420  
(Int. No. 480)

Authorizing A Lease Agreement With Voyager Boat Sales, Inc.

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Voyager Boat Sales, Inc. for the continued lease of 1015 Thomas Avenue for one year. The agreement shall obligate Voyager Boat Sales, Inc. to pay rent in the amount of \$27,600, payable in monthly amounts of \$2,300.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen

December 15, 2009

Ordinance No. 2009-421 and

Ordinance No. 2009-422

Re: Land Use Changes - Hudson Avenue

Transmitted herewith for your approval is legislation amending the Zoning Map and the Official Map to facilitate marketing and potential development of City-owned properties at 583-585 and 593 Hudson Avenue, at the southwest corner of Clifford Avenue, as follows:

1. Rezone the 35' x 124' southern portion of the property at 583-585 Hudson Avenue from R-1 Low Density Residential to C-1 Neighborhood Center District; and
2. Dedicate a 745 square foot portion of the property at 593 Hudson Avenue along the Hudson Avenue and Clifford Avenue frontages as public right-of-way.

In 2007, the City combined the parcels at 577-579, 583-585 and 587 Hudson Avenue to form one parcel known as 583-585 Hudson Avenue. At that time, it was undetected that two of the parcels were located in different zoning districts; the southern portion in an R-1 Low Density Residential District and the northern portion in a C-1 Neighborhood Center District. The rezoning of the southern portion of the property will place the entire parcel within the C-1 district.

Clifford Avenue was reconstructed by the City in 1987. As part of that project, it was anticipated that land along the Clifford Avenue and Hudson Avenue frontages would be acquired and dedicated as right-of-way for street improvements. The official map amendment effecting these changes did not occur.

Providing consistent zoning along with removing the encumbrances will enhance the development potential of these properties.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Code of the City of Rochester, the proposal has been classified as unlisted. An environmental determination will be issued prior to City Council action.

The Planning Commission held an informational hearing on November 16, 2009. There were no speakers either in support of or in opposition to the proposed rezoning and street abandonment. By a vote of 6-0, the Commission recommends approval to City Council.

Public hearings are required for the Zoning Map and Official Map Amendments.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-135

Ordinance No. 2009-421  
(Int. No. 452)

Changing The Zoning Classification Of A Portion Of 583-585  
Hudson Avenue From R-1 Low Density Residential To C-1  
Neighborhood Center

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcel, constituting a portion of 583-585 Hudson Avenue, from R-1 Low Density Residential to C-1 Neighborhood Center:

December 15, 2009

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 71, 2<sup>nd</sup> Division, and more particularly bounded and described as follows: Beginning at the intersection of the centerline of Hudson Avenue (64' ROW) and the easterly projection of the south line of Lot 11 of the Thomas Estate Subdivision, as filed in the Monroe County Clerk's Office in Liber 2 of Maps, Page 42, said intersection being the Point or Place of Beginning; thence

1. Westerly, along said projection and the south line of Lot 11, a distance of 157 feet, more or less, to the southwest corner of said Lot; thence
2. Northerly, along the west line of said Lot 11, a distance of 35.0 feet to the northwest corner thereof; thence
3. Easterly, along the north line of said Lot 11 and its easterly projection, a distance of 157 feet, more or less, to the said centerline of Hudson Avenue; thence
4. Southerly, along said centerline, a distance of 35.0 feet to the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-422  
(Int. No. 453)

Amending The Official Map By Dedicating A Parcel To Street  
Purposes And Adding Said Parcel To The Corner Of Hudson Avenue  
And Clifford Avenue

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by dedicating the following described parcel to street purposes and adding said parcel to the corner of Hudson Avenue and Clifford Avenue:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York and being more particularly bounded and described as follows:

Beginning at a point at the intersection of the southerly streetline of Clifford Avenue (60.0' wide) with the westerly streetline of Hudson Avenue (64.0' wide);

- Thence 1) South 17°-17'-05" West, along the westerly streetline of Hudson Avenue, a distance of 90.00 feet to the southeast corner of lands now or formerly owned by the City of Rochester;
- Thence 2) North 14°-46'-50" East, through said lands of the City of Rochester, a distance of 68.66 feet to a point;
- Thence 3) North 20°-24'-40" West, through said lands of the City of Rochester, a distance of 8.18 feet to a point;
- Thence 4) North 85°-18'-30" West, through said lands of the City of Rochester, a distance of 85.33 feet to the northwesterly corner of said lands of the City of Rochester;

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Thence 5) North 87°-06'-35" East, along the southerly streetline of Clifford Avenue, a distance of 97.24 feet to the point or place of beginning.

Being part of the same premises conveyed to the City of Rochester by deeds recorded in the Monroe County Clerk's Office in Liber 6701 of Deeds at page 106 and Liber 9081 of Deeds at page 311.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen

Ordinance No. 2009-423  
Re: Rezoning 85 Palm Street from M-1  
Industrial to R-1 Low Density  
Residential

Transmitted herewith for your approval is legislation amending the Zoning Map by rezoning a portion of the property at 85 Palm Street from M-1 Industrial to R-1 Low Density Residential to facilitate the legalization of a place of worship at this location.

The Iglesia Restauracion En Christo de Bayamon at 85 Palm Street, a place of worship, owns four contiguous properties at 85 and 95 Palm Street, 123 Desmond Street, and 322B Pullman Avenue, for a total of 2.77 acres all located in the M-1 Industrial district.

Structures include an office building on Palm Street and two warehouse/storage buildings at the rear of the property with access from Desmond Street. The properties were formerly used as a builders supply company.

Rezoning the parcel on which the office building is located will allow the legalization of the church, which is prohibited in the M-1 district and permitted as of right in the R-1 district. An application for re-subdivision has also been filed with the City to create a separate parcel whereby the front portion of 85 Palm Street and the parking lot at 95 Palm Street will be combined to form one property for church purposes, and will retain the 85 Palm Street address. The remaining portion of the property where the warehouse/storage buildings are located will remain in the M-1 district where they are permitted as-of-right and will be designated as 123 Desmond Street. The M-1 parcel will remain fully taxable.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the Code of the City of Rochester, the proposal has been classified as unlisted. An environmental determination will be issued prior to City Council action.

The Planning Commission held an informational hearing on November 16, 2009. There were no speakers either in support or in opposition to this proposal. By a vote of 6-0, the Commission recommends approval to City Council.

A public hearing is required for the Zoning Map Amendment.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-136

Ordinance No. 2009-423  
(Int. No. 454)

December 15, 2009

Changing The Zoning Classification Of A Portion Of 85 Palm Street  
From M-1 Industrial To R-1 Low Density Residential

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcel, constituting a portion of 85 Palm Street, from M-1 Industrial to R-1 Low Density Residential:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 27 of the 20,000 Acre Tract and more particularly bounded and described as follows: Beginning at a point on the southerly ROW line of Palm Street (50' ROW), 200.0 feet west of the westerly ROW line of Desmond Street (50' ROW), said point being the Point or Place of Beginning; thence

1. Southerly parallel with said westerly ROW line of Desmond Street, a distance of 116.0 feet to the south line of Lot 69 of the Britton Tract, as filed in the Monroe County Clerk's Office in Liber 17 of Maps, Page 9; thence
2. Westerly, along the south line of Lots 69, 68 & 67 of said Britton Tract, a distance of 102.17 feet to a point; thence
3. Northerly, parallel with said Desmond Street, a distance of 141.0 feet, more or less, to the centerline of said Palm Street; thence
4. Easterly, along said centerline, a distance of 102.17 feet to a point; thence
5. Southerly, parallel with and 200.0 feet distant from said westerly ROW line of Desmond Street, a distance of 25.0 feet to the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

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By Councilmember Lightfoot  
December 15, 2009

To the Council:

The Parks & Public Works Committee recommends for Adoption the following entitled legislation:

Int. No. 455 - Establishing Maximum Compensation For A Professional Services Agreement For The Erie Harbor Park Design

Int. No. 456 - Authorizing An Agreement For A Mt. Hope Cemetery Grant And Amending The 2009-10 Budget

Int. No. 457 - Establishing Maximum Compensation For A Professional Services Agreement For The Riverside Cemetery Chapel Of Peace And Amending The 2009-10 Budget

Int. No. 458 - Establishing Maximum Compensation For A Professional Services Agreement For The Genesee Valley Park Ice Rink Compressor Replacement Project



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Int. No. 459 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$725,000 Bonds Of Said City To Finance The Cost Of Design And Construction Of The Genesee Valley Park Ice Rink Compressor Replacement Project In The City

Int. No. 486 - Authorizing Agreements For The Broad Street Tunnel Project And Appropriating Funds

Int. No. 487 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$880,000 Bonds Of Said City To Finance The Reconstruction Of The Broad Street Tunnel In The City

Int. No. 219 - Changing The Traffic Flow Of Dayton Street From Two-Way To One-Way Westbound  
The Parks & Public Works Committee recommends for Consideration the following entitled legislation:

Int. No. 468 - Approving Changes In The Pavement Width Of University Avenue And North Goodman Street

Int. No. 469 - Authorizing Easements And Agreements For The University Avenue Improvement And ARTWalk2 Enhancement Projects

Respectfully submitted,  
John F. Lightfoot  
Adam C. McFadden  
Carla M. Palumbo  
William F. Pritchard  
PARK & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-424  
Re: Agreement - FRA Engineering,  
Erie Harbor Park

Transmitted herewith for your approval is legislation establishing \$80,000 as maximum compensation for an agreement with FRA Engineering and Architecture, Rochester, for planning, engineering and design services related to Erie Harbor Park, and appropriating \$40,000 in anticipated reimbursements from the New York State Environmental Protection Fund, Local Waterfront Revitalization Grant Program to finance a portion of the cost of the agreement. The remaining amount, \$40,000, will be financed from the 2008-09 Cash Capital allocation for the Department of Environmental Services.

An agreement with the State of New York for the administration and funding for the project was authorized in June 2006.

Erie Harbor Park is a riverfront site adjacent to South Avenue on the east side of the Genesee River, opposite Woodbury Boulevard, and is identified in the Center City Master Plan. Ownership of the property is mixed, with the principal parties being the City, New York State, and the Farash Corporation. Several easements cross the property, making private development challenging.

FRA Engineering will conduct planning phase tasks and produce a preliminary plan for Erie Harbor Park, including the relocation of the Genesee Riverway Trail, showcasing the historic 1824 Johnson Seymour Raceway, and cursory site plans for future development purposes. FIRM will provide schematic site plans,

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color renderings, and preliminary design drawings. Initial planning and preliminary design will begin in early 2010, with an anticipated completion date of August 2010.

Proposals for planning and design services were solicited from nineteen firms. Thirteen firms responded and include: FRA, Bergmann Associates, Clark Patterson and Lee, Clough Harbor Associates, Synthesis, EDR, SWBR, KCI, PJ Smith and Company, Passero Associates, Studio/Bryan Hanes, Stantec, and C&S. Proposals were rated by City staff, and FRA was selected based on its qualifications, assigned personnel, overall familiarity and expertise with the scope of the planned work.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-424  
(Int. No. 455)

Establishing Maximum Compensation For A Professional Services  
Agreement For The Erie Harbor Park Design

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$80,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and FRA Engineering and Architecture for planning, engineering and design services for the Erie Harbor Park. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$40,000 shall be funded from the 2008-09 Cash Capital allocation and \$40,000 is hereby appropriated from 2008 New York State Environmental Protection Local Waterfront Revitalization Program Funds.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-425  
Re: Agreement - US Department of  
The Interior, Mt. Hope Cemetery  
Improvements

Transmitted herewith for your approval is legislation authorizing an agreement with the US Department of the Interior for the receipt and use of a \$98,000 grant from the Save America's Treasures Grant Program; and amending the Cash Capital allocation of the 2009-10 Budget of the Department of Recreation and Youth Services. The grant is a member item received through Congresswoman Louise Slaughter's office, and will be used for rehabilitation activities in Mt. Hope Cemetery.

Improvements will include rehabilitation and repair of several structures in the north end of the cemetery, as well as some excavation and restoration of an historic pathway identified in the recently completed cultural landscape report for Mount Hope. Structures to be addressed are: the 1862 cemetery chapel designed by Henry Searle, the Gould Mausoleum (ca. 1867), the Rau Mausoleum (ca. 1911), and the Yaky burial plot (ca. 1930). These sites are indicated on the attached map. The structure work will include masonry repair and rehabilitation for the chapel stairs, the foundation slab, stairs, and door of the Rau Mausoleum, and the base stones of the Gould Mausoleum. Also, the obelisk at the Gould Mausoleum will be replaced and the masonry foundation wall of the Yaky plot will be repointed.

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Also included are coverings for the windows and door as an interim step in the rehabilitation of the chapel. The window and door covers will be compatible with the overall historic character of the building and reflective of the Victorian Gothic detail and tracery documented in the original chapel windows.

Additionally, an unnamed carriage drive will be excavated along its visibly distinguishable historic alignment. Finally, unobtrusive nighttime lighting of the historic structures will be installed, providing both security enhancements and opportunities for evening programming.

The required match of \$100,000, will be provided through the 2009-10 Cash Capital allocation of the Department of Environmental Services.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-137

Ordinance No. 2009-425  
(Int. No. 456)

Authorizing An Agreement For A Mt. Hope Cemetery Grant And  
Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the United States Department of the Interior for funding for rehabilitation activities in Mt. Hope Cemetery under the Federal Save America's Treasures Grant Program.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$98,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-426  
Re: Agreement - Pike Company,  
Riverside Cemetery Chapel of  
Peace

Transmitted herewith for your approval is legislation establishing \$250,000 as maximum compensation for an agreement with The Pike Company for construction management services for the Riverside Cemetery Chapel of Peace Project; and amending the 2009-10 Budget by transferring \$3,350,000 from Cemetery Fund balance to Cash Capital (Department of Environmental Services) to fund the agreement and construction costs for the project.

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The Riverside Cemetery Chapel of Peace is a planned community mausoleum and chapel designed to complement existing mausoleum structures at the Cemetery. Design, authorized by Council in February 2009, is underway and expected to be completed in early 2010.

The Chapel will be a 13,800 square foot facility with 2,100 crypt and 1,650 niche interior and exterior spaces. It is estimated that the new mausoleum will provide the City an additional 25 years of above-ground burial options for residents. To date, 27% of the spaces have been pre-sold.

The construction cost estimate, including contingency and furnishings, is \$4.6 million. In addition to Cemetery funds, an additional \$1.58 million in Cemetery Cash Capital will be used as identified in the 2009-10 Capital Improvement Program.

The Pike Company will provide full-time construction management services from final design through construction to ensure adherence to the design, construction schedule and budget, and to assist in the administration of the construction until final completion.

Proposals were solicited from five firms; four firms responded - Buckley Group, Christa Construction, LeChase Construction, and Pike Company. Project-specific qualifications of each firm were rated by a team of City staff, including DES Architectural Services and the Department of Recreation and Youth Services. Based on their qualifications, adherence to schedule and approach to the project, The Pike Company was selected.

Construction will begin in spring 2010, with scheduled completion in spring 2011.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-138

Ordinance No. 2009-426  
(Int. No. 457)

Establishing Maximum Compensation For A Professional Services  
Agreement For The Riverside Cemetery Chapel Of Peace And  
Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$250,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and The Pike Company for construction management services for the Riverside Cemetery Chapel of Peace Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Said amount shall be funded from the 2009-10 Cash Capital allocation.

Section 2. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Cash Capital allocation by the sum of \$3,350,000, which amount is hereby appropriated from the Cemetery Fund.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

December 15, 2009

Ordinance No. 2009-427 and  
Ordinance No. 2009-428

Re: Agreement - Erdman Anthony  
Associates, Genesee Valley Park  
Ice Rink Compressor Replacement

Transmitted herewith for your approval is legislation establishing \$91,000 as maximum compensation for an agreement with Erdman Anthony Associates, Rochester, for engineering design services, and authorizing the issuance of bonds totaling \$725,000 and the appropriation of the proceeds thereof to finance the design and construction of the project, including the cost of the agreement with Erdman Anthony.

The Genesee Valley Park complex was built in 1976; the ice rink was enclosed in 1987. In addition to offering public recreational ice skating programs year round, the City partners with the University of Rochester and local high school hockey teams.

The ice rink and its associated mechanical and electrical components are original to the facility and beyond their useful life. While the underlying piping and system supports are in good condition, the overall compressor, cooling, controls, fog control and associated electrical systems require replacement. The Consultant will provide comprehensive engineering design services as well as construction administration. It is anticipated that these upgrades will provide for an additional 25 years of ice rink operations.

Qualifications were solicited from ten firms; four responded - Clark Patterson Lee, Erdman Anthony, Pathfinder Engineers, and Turner Engineering. Based on its qualifications, experience in completing similar projects, and reasonableness of its proposed fee, Erdman Anthony was selected.

Design will begin in early 2010; it is anticipated that construction will begin in December 2010, with scheduled completion in May 2011.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-139

Ordinance No. 2009-427  
(Int. No. 458)

Establishing Maximum Compensation For A Professional Services  
Agreement For The Genesee Valley Park Ice Rink Compressor  
Replacement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$91,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Erdman Anthony Associates for engineering design services for the Genesee Valley Park Ice Rink Compressor Replacement Project. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from a bond ordinance adopted for this Project.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-428  
(Int. No. 459)

December 15, 2009

Bond Ordinance Of The City Of Rochester, New York, Authorizing  
The Issuance Of \$725,000 Bonds Of Said City To Finance The Cost  
Of Design And Construction Of The Genesee Valley Park Ice Rink  
Compressor Replacement Project In The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the design and construction of the Genesee Valley Park Ice Rink Compressor Replacement Project in the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is estimated to be in excess of \$725,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$725,000 bonds of the City and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$725,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$725,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.19(c) of the Local Finance Law, is fifteen (15) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

December 15, 2009

- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

#### TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-429 and  
Ordinance No. 2009-430

Re: Broad Street Tunnel Project

Transmitted herewith for your approval is legislation related to the repair and rehabilitation of the Broad Street Tunnel. This legislation will:

1. Establish \$2,300,000 as maximum compensation for a professional services agreement with FRA Engineering, P.C., Rochester, for resident project representation (RPR) services;
2. Authorize the issuance of bonds totaling \$880,000 and the appropriation of the proceeds thereof to partially finance the local share of construction and project administration phases;
3. Authorize the appropriation of \$14,980,000 from anticipated reimbursements from the Federal Highway Administration to finance the federal aid eligible portions of the construction and project administration phases;
4. Authorize the appropriation of \$2,810,000 from anticipated reimbursements from the New York State Marchiselli Aid Program to partially finance the state aid eligible portions of the construction and project administration phases for the project; and
5. Authorize an inter-municipal agreement with Monroe County Water Authority (MCWA) for the receipt of a maximum of \$2,950 in reimbursements for the cost of MCWA improvements.

The Broad Street Tunnel Project is a City-administered Federal-aid project as authorized by Council in June 1993 (Ord. No 93-213). The project was designed by FRA Engineering under agreements authorized by Council in August 1994, July 2008, and March 2009.

The Project includes two separate tunnel sections. Work in Section 1 (Main Street to Brown Street) includes removal of the entire structural deck and steel framing system; filling the tunnel cavity with embankment material; construction of new street pavement; installation of a new access portal; replacement of concrete sidewalks and driveway aprons; granite curbs; street lighting improvements; drainage improvements; relocation of water utilities; replacement of traffic signal equipment as necessary; new pavement markings and signage; landscape improvements; and installation of a center median feature.

December 15, 2009

Work in Section 2 (Main Street to Exchange Street) includes the rehabilitation of the substructure elements; complete removal and replacement of the waterproof membrane system; installation of a new asphaltic wearing surface; curb resetting; minor landscaping; and the installation of several kiosks, markers and sidewalk striping required for the build-out of Rochester's Heritage Trail.

Bids for construction were received on October 26, 2009. The apparent low bid of \$15,252,965.33 was submitted by Sealand Contractors Corporation, which is 23% less than the engineer's estimate. An additional \$784,388 will be allocated for project contingencies.

The costs for the categories of work for the project based upon the bid amount are as follows:

<u>Category</u>	<u>Construction</u>	<u>RPR</u>	<u>Contingency</u>	<u>Street Lighting</u>	<u>Admin</u>	<u>Total</u>
Federal	\$12,202,372	\$1,840,000	\$624,396	\$129,200	\$184,000	\$14,979,968
State	2,287,945	345,000	117,074	24,225	34,500	2,808,744
Local - City Bond	722,139	108,892	40,894	8,075	0	880,000
Local - City Water	6,025	909	301	0	0	7,235
Local - MCDOT	32,027	4,829	1,601	0	0	38,457
Local - MCWA	2,457	370	122	0	0	2,949
Local - DES Opt	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>11,500</u>	<u>11,500</u>
Total	\$15,252,965	\$2,300,000	\$784,388	\$161,500	\$230,000	\$18,728,853

The construction cost of the project will be financed from anticipated reimbursements from the Federal Highway Administration (\$14,980,000), anticipated reimbursement from the State of New York Marchiselli Aid Program (\$2,810,000, proceeds of the proposed bond (\$880,000), proceeds from 2007-2008 Water Cash Capital allocations (\$7,235), and DES Operating Budgets for fiscal years 2009-10, 2010-11, and 2011-12 (\$11,500).

The local share (\$38,457) of the proposed traffic related improvements will be financed by previously appropriated 2007-08 Cash Capital allocations.

The local share (\$2,949) of the proposed water improvements related to a Monroe County water main will be financed from anticipated reimbursements from the Monroe County Water Authority.

FRA Engineering was selected to perform RPR services based on its familiarity, expertise and staffing assigned to the project. It is anticipated that construction will begin in December 2009 and will be substantially completed by fall 2011.

The Broad Street Tunnel Project was presented at public meetings held on June 4, 2004 and May 5, 2005. Public hearings were held on May 29, 2008 and July 15, 2009. Geometric changes related to roadway widths were endorsed and approved by the Traffic Control Board at the June 17, 2008 meeting. The minutes of the meetings and hearings are on file in the City Clerk's Office.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-140

Ordinance No. 2009-429  
(Int. No. 486)



December 15, 2009

Authorizing Agreements For The Broad Street Tunnel Project And  
Appropriating Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$2,300,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and FRA Engineering, PC for resident project representation services for the Broad Street Tunnel Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Of said amount, \$1,840,000 shall be funded from the appropriation of Federal Highway Administration Funds made in Section 2, \$345,000 shall be funded from the appropriation of State of New York Funds made in Section 3, \$108,892 shall be funded from a bond ordinance adopted for this Project, \$909 shall be funded from the 2007-08 Cash Capital allocation (Water Fund), \$4,829 shall be funded from the 2007-08 Cash Capital allocation, and \$370 shall be funded from the appropriation of anticipated reimbursements from the Monroe County Water Authority made in Section 4.

Section 2. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$14,980,000, or so much thereof as may be necessary, to fund the Broad Street Tunnel Project.

Section 3. There is hereby appropriated from anticipated reimbursements from the State of New York the sum of \$2,810,000, or so much thereof as may be necessary, to fund the Broad Street Tunnel Project.

Section 4. The Mayor is hereby authorized to enter into an agreement with the Monroe County Water Authority (MCWA) for funding for the costs of MCWA improvements as a part of the Broad Street Tunnel Project. The agreement shall obligate the MCWA to pay to the City an amount not to exceed \$2,950, and said amount is hereby appropriated to fund the Broad Street Tunnel Project. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-430  
(Int. No. 487)

Bond Ordinance Of The City Of Rochester, New York, Authorizing  
The Issuance Of \$880,000 Bonds Of Said City To Finance The  
Reconstruction Of The Broad Street Tunnel In The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of reconstruction of the Broad Street Tunnel in the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$18,498,853. The plan of financing includes the issuance of \$880,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$14,795,968 appropriated from Federal Highway Administration Funds, \$2,774,244 appropriated from State of New York Funds, \$7,235 from current City Water Fund funds, \$2,949 appropriated from Monroe County Water Authority Funds, and \$38,457 from current City funds, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

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Section 2. Bonds of the City in the principal amount of \$880,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$880,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00 a. 10. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

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Introductory No. 219 was introduced June 11, 2009 and appears in its original form with its transmittal letter on page \_\_\_\_\_ of the current Council Proceeding.

Ordinance No. 2009-431  
(Int. No. 219)

Changing The Traffic Flow Of Dayton Street From Two-Way To  
One-Way Westbound

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves a change in the traffic flow of Dayton Street between Hudson Avenue and Bauman Street from two-way to one-way westbound.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-432 and  
Ordinance No. 2009-433  
Re: University Avenue Improvement  
And ARTWalk2 Enhancement  
Projects - ARRA

Transmitted herewith for your approval is legislation relating to pavement width changes and easements for the University Avenue Improvement and ARTWalk2 Enhancement projects. This legislation will:

1. Authorize certain pavement width changes on University Avenue and North Goodman Street to create recessed parking areas and safer pedestrian crosswalks. Maps illustrating the location of these changes are attached.
2. Authorize the donation or acquisition of fourteen permanent easements and eight temporary easements, to provide for public art installations and other street improvements as part of the ARTWalk 2 Enhancement Project.
3. Authorize the reservation, granting, acceptance or release of all easements and other rights necessary for the implementation of the University Avenue Improvement and ARTWalk 2 Enhancement Projects.
4. Authorize the Mayor to enter into additional agreements as necessary for the implementation and maintenance of improvements as part of the project.

Details regarding these projects were presented to Council in transmittal letters accompanying Ordinance Nos. 2009-156 and 2009-386. Appraisal services were authorized in November 2009.

A public informational meeting was held on May 7, 2008; the meeting minutes are attached. The pavement width changes were presented for endorsement at the December 1, 2009 Traffic Control Board meeting.

The total appraised value of the permanent easements is \$24,250; the appraised value of the temporary easements is \$1,980. Estimated closing costs are \$5,500. The total cost of \$31,730 will be funded from ARRA funds appropriated through Ord. No. 2009-156 (\$26,930) and 2007-08 Cash Capital (\$4,800).

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Council authorization for easement acquisitions related to Memorial Art Gallery properties will be requested pending negotiation with the University of Rochester.

Public hearings on the pavement width changes are required.

It is anticipated that construction will begin in June 2010 and will be substantially completed by fall 2011.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-141

Ordinance No. 2009-432  
(Int. No. 468)

Approving Changes In The Pavement Width Of University Avenue  
And North Goodman Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the following changes in the pavement width of University Avenue as a part of the University Avenue Improvement and ARTWalk2 Enhancement Projects:

1. An increase of 2 feet from 40 feet to 42 feet beginning at a point 245 feet west of Prince Street and ending at Prince Street, and a decrease of 2 feet from 44 feet to 42 feet from Prince Street to North Goodman Street.
2. The following changes from the proposed width described above to create recessed parking areas and safer pedestrian crosswalks:
  - a. a decrease of 1.6 feet from 45.6 feet to 44 feet beginning at North Union Street and ending 70 feet east of North Union Street;
  - b. a transition beginning with a 44 foot width at the prior end point and ending with a 40 foot width 120 feet east of North Union Street;
  - c. a transition beginning with a 40 foot width at 390 feet west of Prince Street and ending with a 28 foot width 245 feet west of Prince Street;
  - d. a decrease of 7 feet on the north side beginning 80 feet west of Prince Street and ending 70 feet east of Prince Street;
  - e. a decrease of 7 feet on the south side beginning 64 feet west of Prince Street and ending 64 feet east of Prince Street;
  - f. a decrease of 7 feet on the north side beginning 354 feet east of Prince Street and ending 396 feet east of Prince Street;
  - g. a decrease of 7 feet on the north side beginning 260 feet west of Strathallan Park and ending 54 feet east of Strathallan Park;
  - h. a decrease of 7 feet on the south side beginning 75 feet east of Strathallan Park and ending 65 feet east of Strathallan Park;

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- i. a transition on the north side beginning with a 7 foot decrease 257 feet west of North Goodman Street and ending with a 0 foot decrease 153 feet west of North Goodman Street;
- j. a transition on the south side beginning with a 7 foot decrease 119 feet east of Strathallan Park and ending with a 0 foot decrease 185 feet east of Strathallan Park.

Section 2. The Council hereby further approves a decrease of 7 feet, from 32 feet to 25 feet on the west side of North Goodman Street beginning 295 feet north of University Avenue and continuing north a distance of 248 feet, as a part of the University Avenue Improvement and ARTWalk2 Enhancement Projects.

Section 3. The changes shall be made in accordance with plans and specifications approved by the City Engineer, who may make reasonable modifications to such plans.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2009-433  
(Int. No. 469)

Authorizing Easements And Agreements For The University  
Avenue Improvement And ARTWalk2 Enhancement Projects

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the acquisition of, or accepts the donation of, permanent easements over the following parcels for public art installations as a part of the University Avenue Improvement and ARTWalk2 Enhancement Projects:

<u>Owner Name</u>	<u>Address</u>	<u>SBL No.</u>	<u>S.F.</u>	<u>Appraised Value</u>
Le-Thi-Be Walters	302 University Avenue	106.82-1-45	5.00	\$100
Le-Thi-Be Walters	309 University Avenue	106.82-3-2.1	18.00	200
Paul Ferrel	357 University Avenue	106.82-3-13	14.30	150
Mark Tichenor & Nancy Kehoe	366 University Avenue	106.82-1-58.1	30.80	200
Levanco, Inc.	378 Alexander Street	106.82-2-31	28.90	125
390 Properties LLC	390 Alexander Street	106.82-2-36	39.60	350
Visual Studies Workshop, Inc.	31 Prince Street	106.82-2-21	1143.00	4,250
Max Properties of Rochester, LTD	30 Prince Street	121.26-1-20	24.50	100
Timothy B. & JoAnne M. Wolcott	549 University Avenue	121.27-1-7	25.90	125

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Charles Breidenstein	561 University Avenue	121.27-1-8	28.90	350
Rochester Housing Authority	615 University Avenue	121.27-1-28.1	1983.00	7,350
Rochester Housing Authority	615 University Avenue	121.27-1-28.1	487.00	3,300
ATM Properties	250 N. Goodman Street	106.83-1-33.1	1869.00	7,425
RL East, Inc.	610 East Avenue	121.35-1-7.1	59.90	225

Section 2. The Council hereby further approves the acquisition of, or accepts the donation of, temporary easements over the following parcels for public art installations as a part of the University Avenue Improvement and ARTWalk2 Enhancement Projects:

<u>Owner Name</u>	<u>Address</u>	<u>SBL No.</u>	<u>S.F.</u>	<u>Appraised Value</u>
Levanco Inc.	378 Alexander Street	106.82-2-31	97.00	\$225
Max Properties of Rochester, LTD	30 Prince Street	121.26-1-20	76.00	100
Jeffrey Metzger	485 University Avenue	121.26-1-22	175.00	230
RHP Haddon Hall, LLC	493 University Avenue	121.27-1-1	261.00	600
Don & Salvatore DiCiaccio	525 University Avenue	121.27-1-4	60.00	150
Jeffrey Metzger	533 University Avenue	121.27-1-5	98.00	250
Helen Welte L/U, Louis H. Welte & Friedl V. Welte	579 University Avenue	121.27-1-10	44.00	100
Rochester Housing Authority	615 University Avenue	121.27-1-28.1	233.00	325

Section 3. The acquisitions, and necessary closing costs, shall obligate the City to pay an amount not to exceed \$31,730, and of said amount, or so much thereof as may be necessary, \$4,800 shall be funded from the 2007-08 Cash Capital allocation and \$26,930 shall be funded from the American Recovery and Reinvestment Act of 2009 funds appropriated in Section 2 of Ordinance No. 2009-156.

Section 4. The Council hereby further approves the reservation, granting, acceptance or release of all easements and other rights necessary for the implementation of the University Avenue Improvement and ARTWalk2 Enhancement Projects.

Section 5. The Mayor is hereby further authorized to enter into such additional agreements as may be necessary for the implementation and maintenance of improvements as part of the University Avenue Improvement and ARTWalk2 Enhancement Projects.

Section 6. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

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Section 7. This ordinance shall take effect immediately.

Passed unanimously.

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By Councilmember Miller  
December 15, 2009

To the Council:

The Economic Development & The Environment Committee recommends for Adoption the following entitled legislation:

Int. No. 460 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The Rochester Riverside Convention Center Roof Replacement Project

Respectfully submitted,  
Dana K. Miller  
John F. Lightfoot  
Elaine M. Spaul  
William F. Pritchard  
ECONOMIC DEVELOPMENT & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Re: Ordinance No. 2009-434  
Amendatory Agreement - HBT  
Architects, Rochester Riverside  
Convention Center Roof Replacement  
Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with HBT Architects, Pittsford NY, for additional resident project representation (RPR) services for the Riverside Convention Center Roof Replacement Project. The original agreement for \$35,000 was authorized in May 2009. This amendment will increase the maximum compensation by \$10,000 to a total of \$45,000, and will increase the term of the agreement to December 31, 2009. The additional cost will be financed from bonds authorized by Ordinance 2009-67.

This roof replacement project began in June 2009 and encountered substantial weather-related delays during the summer construction season. The original completion date was scheduled for August 31, 2009; rain dates and additional repairs extended the completion date to October 31, 2009. HBT Architect's RPR services for full time representation exceeded the budgeted time frame for the project given the extended construction timeframe.

The project was completed in October 2009.

Respectfully submitted,  
Robert J. Duffy  
Mayor

December 15, 2009

Ordinance No. 2009-434  
(Int. No. 460)

Establishing Maximum Compensation For An Amendatory  
Professional Services Agreement For The Rochester Riverside  
Convention Center Roof Replacement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with HBT Architects for resident project representation services for the Rochester Riverside Convention Center Roof Replacement Project. The agreement may extend until three (3) months after completion of a two year guarantee inspection of the project. Said amount shall be funded from Bond Ordinance No. 2009-67.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember Miller moved to discharge Int. No. 171 from committee.

The motion was seconded by Councilmember McFadden.

The motion was adopted by the following votes:

Ayes - Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 8.

Nays - None - 0.

Introductory No. 171 was introduced May 7, 2009 and appears in its original form with its transmittal letter on page \_\_\_\_\_ of the current Council Proceeding.

Ordinance No. 2009-435  
(Int. No. 171)

Authorizing An Agreement For REDCO Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Rochester Economic Development Corporation (REDCO) whereby the City will be compensated for providing services to REDCO.

Section 2. The agreement shall obligate REDCO to pay to the City the sum of \$75,000 for said services.

Section 3. The agreement shall contain such terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.



December 15, 2009

By Councilmember McFadden  
December 15, 2009

To the Council:

The Public Safety & Recreation Committee recommends for Adoption the following entitled legislation:

Int. No. 438 - Authorizing An Agreement For A Red Light Camera Program

Int. No. 439 - Local Law Amending The City Charter With Respect To Owner Liability For The Failure Of A Motor Vehicle Operator To Comply With Traffic-Control Indications

Int. No. 461 - Authorizing An Application And Agreement For An Urban Area Security Initiative Grant

Int. No. 462 - Authorizing An Agreement For The Tobacco Sales Enforcement Program And Amending The 2009-10 Budget

Int. No. 463 - Authorizing Agreements For Youth Services Programs

Int. No. 464 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Training Services

Int. No. 465 - Authorizing An Agreement For A STOP Violence Against Women Recovery Grant And Amending The 2009-10 Budget

Int. No. 481 - Establishing Maximum Compensation For A Professional Services Agreement For An EMS Study

Int. No. 482 - Authorizing An Agreement For The Rochester Walks Program, As Amended

Int. No. 483 - Establishing Maximum Compensation For A Professional Services Agreement For The Hillside Work Scholarship Connection Program And Amending Ordinance No. 2009-172

Respectfully submitted,  
Adam C. McFadden  
Dana K. Miller  
Elaine M. Spaul (Voted against Int. No.'s 438 & 439)  
William F. Pritchard  
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-436 and  
Local Law No. 13  
Re: Agreement - Redflex Traffic Systems,  
Inc., Red Light Camera Project

Transmitted herewith for your approval is legislation related to the adoption and installation of a red light traffic enforcement camera system. This legislation will:

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1. Establish a red-light traffic enforcement demonstration program as allowed by New York State Vehicle and Traffic Law. This program will:
  - Allow the installation of a camera monitoring system at up to 50 intersections;
  - Impose a fine of \$50 to the owners of vehicles failing to stop at red lights;
  - Assess an additional penalty of \$25 if the original fine is not paid within 30 days;
  - Provide for adjudication of citations in the City's Parking Violations Bureau; and
2. Authorize an agreement with Redflex Traffic Systems, Inc., Phoenix, AZ, to install, operate, monitor, and maintain a camera system at designated signalized traffic intersections to identify vehicles that fail to stop at red lights, and to process citations and the collection of fines, including Internet collections.

On April 2, 2009, the City Council adopted Resolution No. 2009-7, thereby authorizing New York State to allow the City of Rochester to establish a pilot program for the installation of cameras at up to 50 intersections to monitor red light violations. The State authorized the program pursuant to Chapter 22 of the Laws of the State 2009, which added a new section 1111-b to the Vehicle and Traffic Law to govern the program.

The goal of the Red Light Camera Project is to increase public safety through the reduction of traffic accidents caused by drivers who fail to stop at red lights. Data from several independent sources show significant reductions in the number of red light violations, as well as reductions in accidents and injuries. A summary of data is attached. In addition, using cameras for traffic enforcement will allow the Police Department more flexibility in assignment of officers for other purposes.

Using information provided through the Rochester Police Department and the County of Monroe, potential intersections for installation of red light cameras have been identified where traffic volume is highest and accidents are most likely to occur. The decision of which intersections will have cameras will be made jointly by the Police Chief and the City Engineer.

A Request for Proposals was issued to five firms known to provide this equipment/service; the RFP was also posted on the City's Web site. Proposals were received from four firms - Gatso USA (Beverly, MA), American Traffic Systems (Scottsdale, AZ), CMA Consulting Services (Latham, NY) and Redflex – and were reviewed by an interdepartmental team. Based on qualifications, cost, and experience, Redflex is recommended.

Redflex will provide the following services:

- Consultation/advice on intersection selection.
- Provision, installation, monitoring, and maintenance of all equipment.
- Processing of citations and collection of fines.
- Coordination with RPD and the City's Parking Violations Bureau for verification and any necessary adjudication of citations.
- Coordination with the County of Monroe for access to traffic signal equipment and payment for power use.

The system to be provided will have the capacity to:

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- Provide still shots of vehicles approaching and moving through the intersection, available online to individuals receiving citations for review.
- Provide internet access to video clips of violations for those receiving citations.
- Process citation verification and payment on-line.

Once violations are recorded, they are reviewed by Redflex and forwarded to the Police Department for verification. Upon verification by the Police Department that a violation has occurred, Redflex will issue and mail citations to the owners of vehicles that have failed to stop at a red light, and collect the fines and any late fees. The citations will include instructions on accessing the Web site, where the vehicle owner will be able to view the still photos and video clip of the incident, and pay the fine.

The City will pay Redflex a fixed fee of \$4199 per camera per month, which will be provided from revenue generated by the collection of fines from violators. The agreement will provide for cost neutrality to the City; no payments to Redflex will be required in excess of revenue collected through the program. The fee may be changed annually based upon changes in the CPI.

The collection account will be available for review and auditing purposes to the City Treasurer.

The term of this agreement will be through December 1, 2014, the end date of the State's authorization of the demonstration program. The option of two two-year renewals will be included on condition of the State's continuation of the program.

Respectfully,  
Robert J. Duffy  
Mayor

Attachment No. AI-142

Ordinance No. 2009-436  
(Int. No. 438, As Amended)

#### Authorizing [An] Agreements For A Red Light Camera Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Redflex Traffic Systems, Inc. for a demonstration program imposing monetary liability on the owner of a motor vehicle for failure of an operator thereof to comply with traffic-control indications in the City in accordance with the provisions of § 1111-b of the New York State Vehicle and Traffic Law. Such agreement shall allow Redflex to install and operate traffic-control signal photo violation-monitoring devices at no more than fifty intersections within the City at any one time through December 1, 2014, with two additional renewal terms of two years each if § 1111-b is extended by the State. Redflex is authorized to prepare and mail notices of liability on behalf of the City, upon approval of such notices by a technician or police officer employed by the City, and to mail follow-up notices if requested by the City, and to]. The City shall collect fines and penalties for such violations in accordance with the schedule approved by the Parking Violations Bureau. The agreement may provide for payment of such fines and penalties through the internet, upon terms, conditions and service fees as approved by the City Treasurer. The Mayor is further authorized to enter into such agreements as may be necessary with the County of Monroe and State of New York to implement the Red Light Camera Program.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$[4,199] 3,740 as a fixed monthly fee for each camera, together with costs to be approved by the City for additional services that may be provided by Redflex, and the City responsibility for damage or removal of Redflex equipment, and said amounts, or so much thereof as may be necessary, are hereby appropriated from funds to be received from fines and penalties collected for failure of an operator of a motor vehicle to

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comply with traffic-control indications. The monthly fees may change annually based upon changes in the Consumer Price Index. The agreement shall provide for cost neutrality for the City.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - Councilmembers Conklin, Lightfoot, Miller, Palumbo, Pritchard, Warren - 6.

Nays - Councilmembers McFadden, Spaul - 2.

Local Law No. 13  
(Int. No. 439)

Local Law Amending The City Charter With Respect To Owner  
Liability For The Failure Of A Motor Vehicle Operator To Comply  
With Traffic-Control Indications

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by adding a new subsection F to Section 6-6, Parking Violations Bureau, to read in its entirety as follows:

- F (1) The City hereby establishes a demonstration program in accordance with the provisions of § 1111-b of the New York State Vehicle and Traffic Law, imposing monetary liability on the owner of a motor vehicle for failure of an operator thereof to comply with traffic-control indications in the City. Such demonstration program shall allow for the installation and operation of traffic-control signal photo violation-monitoring devices at no more than fifty intersections within the City at any one time.
- (2) Adjudication of the liability imposed upon motor vehicle owners by this section shall be by the Parking Violations Bureau.
- (3) A motor vehicle owner liable for a violation pursuant to this program shall be liable for monetary penalties in accordance with a schedule of fines and penalties to be promulgated by the Parking Violations Bureau. The liability of the owner pursuant to this program shall not exceed fifty dollars for each violation; provided, however, that an additional penalty not to exceed twenty-five dollars for each violation shall be added for the failure of the owner to respond to a notice of liability within thirty days from mailing of a notice of liability.

Section 2. This local law shall take effect immediately and shall expire on December 1, 2014.

Passed by the following vote:

Ayes - Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Warren - 7.

Nays - Councilmember Spaul - 1.

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TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-437  
Re: Agreement - New York State Office  
of Homeland Security, Urban Area  
Security Initiative Grant

Transmitted herewith for your approval is legislation authorizing an application to the New York State Office of Homeland Security for \$559,748 in grant funding through the Urban Area Security Initiative program for the Rochester Police and Fire Departments. Funding will be appropriated at a later date.

The term of this grant is August 1, 2009 to July 31, 2012. The activities related to UASI are closely coordinated among the law enforcement and emergency management entities in the City, Monroe County, and outlying counties, creating a regional approach to homeland security. This year, the focus of funding primarily is for equipment for detecting and responding to chemical, biological, and/or explosive device incidents. The previous cycle of funding under this program was authorized by City Council Ord. No. 2008-390 in November 2008.

The grant award includes 3% for administrative overhead. No matching funds are required.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-437  
(Int. No. 461)

Authorizing An Application And Agreement For An Urban Area  
Security Initiative Grant

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Office of Homeland Security for funding for the Rochester Police and Fire Departments under the Urban Area Security Initiative Grant Program.

Section 2. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-438  
Re: Tobacco Sales Enforcement Program

Transmitted herewith for your approval is legislation authorizing an agreement with Monroe County for the receipt and use of funding in the amount of \$36,000 for compliance checks under the Tobacco Sales Enforcement Program, and amending the 2009-10 Budget of the Police Department by \$27,000 reflecting use of a portion of the funds. The remaining funds will be included in the 2010-11 Budget.

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The Monroe County Department of Health will reimburse costs not to exceed \$36,000 for at least 400 compliance checks October 1, 2009 through September 30, 2010. This agreement will continue the enforcement program begun in April 1998, under which the Police Department will conduct inspections of licensed tobacco outlets, including cigarette vending machines, in the City.

These inspections monitor compliance with age restrictions on tobacco sales, by using underage "agents" who attempt to buy tobacco products. Rochester police officers accompanying the purchasers will record and report any illegal underage sales, and will inspect the sellers' premises for compliance with restrictions on product placement, as well as possession of proper documents and certificates.

This enforcement program was most recently approved in October 2008. During the 2008-09 grant cycle, 461 compliance checks were carried out.

No matching funds are required.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-438  
(Int. No. 462)

Authorizing An Agreement For The Tobacco Sales Enforcement  
Program And Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for funding for the Tobacco Sales Enforcement Program.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$27,000, which amount is hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-439  
Re: Agreements - Youth Services Projects

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements with three organizations for Youth Services projects as follows:

<u>Organization</u>	<u>Program</u>	<u>Amount</u>
Baden Street Settlement	Wise Guys Project	\$15,000
Borinquen Dance Theater, Inc.	Dance Program	\$10,000
Rochester Community TV, Inc.	Youth News Team	\$11,200

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The cost of these agreements will be funded from the General Community Needs allocation of the 2009-10 Community Development Block Grant.

The Wise Guys Project provides training for adult and youth facilitators to deliver a life skills and teen pregnancy prevention curriculum to youth and young adults. This will be its second year of funding.

The Borinquen Dance Company will provide dance instruction, as well as workshops on work readiness, employment, citizenship and Hispanic culture workshops to participants. Additionally, youth will participate in community service activities. This will be its second year of funding.

The Youth News Team will employ youth in media development to develop public service announcements on youth and family issues. This will be its second year of funding.

The Borinquen Dance Company, as per the Youth Services funding guidelines approved by City Council in 1981, is considered a project with matching funds and eligible for up to five years of funding. The others are considered projects without matching funds and eligible for up to three years of funding.

Project descriptions and budgets are attached.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Attachment No. AI-143

Ordinance No. 2009-439  
(Int. No. 463)

#### Authorizing Agreements For Youth Services Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements for the following Youth Services Projects or the following amounts are allocated for Youth Services Projects:

<u>Organization</u>	<u>Project</u>	<u>Amount</u>
Baden Street Settlement	Wise Guys	\$15,000
Borinquen Dance Theater, Inc.	Dance Program	10,000
Rochester Community TV, Inc.	Youth News Team	11,200

Section 2. The agreements shall obligate the City of Rochester to pay an amount not to exceed \$36,200, and said amount, or so much thereof as may be necessary, is hereby appropriated from the General Community Needs allocation of the 2009-10 Community Development Program.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-440

December 15, 2009

Re: Agreement - Teaching & Training  
By Design, LLC - Youth Training

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Teaching & Training by Design, LLC, Rochester (Arthur Brown, President) to extend the term to June 30, 2010 and increase maximum compensation by \$7,500, for a total of \$16,250. The original agreement for \$8,750 was executed in March 2009 and expires on March 29, 2010. The additional cost will be financed from the 2009-10 Budget of the Department of Recreation and Youth Services.

Teaching & Training By Design, LLC, will provide training using curricula previously developed by the firm for use with the City's Youth Training Academy (YTA) and the Volunteer Intern Program (VIP).

The consultant will provide two 20-hour courses in business/office skills, customer services, and computer skills training, to prepare students for targeted internships sessions as part of the YTA program. Each course will enroll 20 youth (40 total) ages 16-18.

The consultant will also provide two 20-hour courses in work readiness for the VIP program. Each course will enroll 15 youth (30 total), ages 13-15. The course focuses on team building and problem solving skills, in preparation for developing a team community service project to demonstrate the skills they've learned.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-440  
(Int. No. 464)

Establishing Maximum Compensation For An Amendatory  
Professional Services Agreement For Training Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$7,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Teaching & Training by Design, LLC for training for the Youth Training Academy and the Volunteer Intern Program. Said amount shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-441  
Re: STOP Violence Against Women  
Recovery Grant

Transmitted herewith for your approval is legislation related to the Stop Violence Against Women Act Recovery Program. This legislation will:

1. Authorize an agreement with the New York State Division of Criminal Justice Services for the application for, and receipt and use of a \$100,000 grant through the Stop Violence Against Women Act Recovery Program (VAWA Recovery) for the period February 1, 2010 through January 31, 2011; and



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2. Amend the 2009-10 Budget of the Police Department by \$32,500 and Undistributed by \$9,200 to reflect a portion of these funds. The remaining funds will be included in the 2010-11 Budget.

The VAWA Recovery Program provides intensive case management services to chronic domestic violence families to end the cycle of violence in their homes. Forty-five families with seven or more police reports over the previous twelve months will be selected and assessed to identify issues causing the victims to remain in the abusive situation. The program will address mental health, chemical dependence, parenting concerns, financial problems, and other domestic violence issues. The victims will be helped to develop strategies and tools to enable them to become free of abusive treatment.

This is a one-time grant separate from the annual STOP Violence Against Women funding the City receives. The funds will support one full-time and one part-time temporary counseling specialist to be assigned to the Family & Victim Services Section of the Police Department, overtime for the counselors and police officers, and fringe benefits. No matching funds are required.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-441  
(Int. No. 465)

Authorizing An Agreement For A STOP Violence Against Women  
Recovery Grant And Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Division of Criminal Justice Services for a STOP Violence Against Women Recovery Grant.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Rochester Police Department by the sum of \$32,500 and to Undistributed Expense by the sum of \$9,200, which amounts are hereby appropriated from funds to be received under the grant agreement authorized herein.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-442  
Re: Agreement - Tri-Data Division,  
System Planning Corporation,  
Study of Emergency Medical  
Service Provision

Transmitted herewith for your approval is legislation establishing \$43,120 as maximum compensation for an agreement with TriData Division, System Planning Corporation (Arlington, VA) to provide an analysis

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of the City's provision of emergency medical services (EMS). The cost of this agreement will be funded from the 2009-10 Undistributed budget.

The consultant will conduct an analysis of the role of the Rochester Fire Department in the emergency medical response system, identify and analyze a range of options available to the City (including the status quo), conduct a cost-benefit analysis of each option, and assist in determining the City's appropriate role in EMS. The consultant will provide recommendations for an optimal structuring of RFD and EMS service provision to ensure top quality emergency medical response and sound fiscal responsibility.

A Request for Proposals (RFP) was issued on October 8, 2009, posted on the City website, distributed to the press, and sent directly to eight firms: TriData Division of System Planning Corporation; Center for Governmental Research(CGR); Fitch & Associates; Advanced Concepts, Inc.; RCC Consultants, Inc.; L. Robert Kimball & Associates; Towpath Associates; and The Polaris Group. Proposals were received from seven firms - TriData, CGR, Fitch & Associates, The Public Safety Research Group, Matrix Consulting Group, IPS, and The Polaris Group.

An inter-departmental review committee selected three firms for interviews - Tri-Data, CGR, and Fitch & Associates. Based on the qualifications, proposal, experience, references and cost, Tri-Data is recommended. While they are not a local firm, they were selected because their relevant experience exceeded that of any of the Rochester-based firms.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-442  
(Int. No. 481)

Establishing Maximum Compensation For A Professional Services  
Agreement For An EMS Study

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$43,120, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and TriData Division, System Planning Corporation, for a study of the provision of emergency medical services in the City. Said amount shall be funded from the 2009-10 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmembers Conklin, Lightfoot, Miller, Palumbo, Pritchard, Spaul, Warren - 7.

Nays - Councilmember McFadden - 1.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-443  
Re: Agreement - University of Rochester  
Center for Community Health,  
Rochester Walks

Transmitted herewith for your approval is legislation establishing \$71,775 as maximum compensation for an agreement with the Center for Community Health, University of Rochester Medical Center, to

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implement the *Rochester Walks* program; and appropriating this amount from the New York State Department of Health Healthy Heart Program grant. Receipt of the grant, totaling \$72,270, was authorized by Council in July 2009.

*Rochester Walks* is a new City program that will build on the City's commitment to physical improvements in three of the four Focused Investment Strategy neighborhoods. The three neighborhoods were selected based on readiness, level of resident interest, and on the scope of work that can be accomplished within the project period.

The overall goal of the project is to encourage physical exercise. This will be accomplished through the creation and/or enhancement of walking routes to key destinations. These neighborhood walks, along with indoor facilities, will be promoted to area residents as venues for a variety of physical activities. *Rochester Walks* will also engage residents in developing and implementing physical activity programming that is specific to their needs and that addresses their particular barriers to physical activity.

A Request for Proposals for the implementation of this project was issued on May 29, 2009 and sent directly to eleven community health care agencies. Proposals were received from the IBERO-American Action League, the Urban League, the University of Rochester Medical Center, and Action for a Better Community, and reviewed by an interdepartmental team that also included representatives of the Monroe County Department of Health. The UR and the ABC proposals were rated highest; it was suggested, and subsequently agreed to, that the two work collaboratively.

This is the first year of what is anticipated to be a five-year grant.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-443  
(Int. No. 482, As Amended)

#### Authorizing An Agreement For The Rochester Walks Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the [Center for Community Health,] University of Rochester [Medical Center,] to implement the Rochester Walks Program.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$71,775, and said amount, or so much thereof as may be necessary, is hereby appropriated from New York Department of Health Healthy Heart Program Grant Funds.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Bracketed material deleted.

Passed unanimously.

TO THE COUNCIL  
Ladies and Gentlemen:

Ordinance No. 2009-444

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Re: Agreement - Hillside Work  
Scholarship Connection

Transmitted herewith for your approval is legislation relating to the Hillside Work Scholarship Connection program for City School District students. This legislation will:

1. Amend Ordinance No. 2009-172 to reduce maximum compensation to Hillside for Summer of Opportunity work experience to a total of \$64,000;
2. Establish \$736,000 as maximum compensation for an agreement with Hillside Work Scholarship Connection (HWSC) for the ongoing participation of 125 and the enrollment of 140 new participants in the Work Scholarship program. The cost of this agreement will be funded from the 2008-09 Encumbrance Reserve created upon approval of Ord. No. 2009-172 (\$336,000) and the 2009-10 (\$400,000) Budgets of the Department of Recreation and Youth Services.

The HWSC program, established in 1987, helps at-risk urban students stay in school and achieve academic success. The program's mission is to increase the graduation rates by providing long-term advocacy, academic resources, life skills development, and job training. On average, 80% of participants in the program graduate from high school, which is almost twice the rate of their peers; and 80% of these graduates attend college.

As you know, the unanticipated loss of New York State funding created difficulties in fully implementing the planned activities for the 2009 Summer of Opportunity Program. One of the alternatives was the development of a unique partnership with HWSC to provide job training and summer work experience for up to 150 students who would subsequently be enrolled and fully engaged in the Work Scholarship program. Students who had applied through the City for summer jobs were referred to Hillside as candidates. However, for several reasons (e.g., scheduling constraints, student and family needs, students did not meet qualifying criteria) a much smaller number of students were employed.

In order to meet the intentions of Ordinance No. 2009-172, it is proposed that the City reimburse Hillside for the cost (\$64,000) of employing the 62 participating students during the summer of 2009. The remaining amount of the original \$400,000 authorized funds will be combined with the City's annual allocation for the Work Scholarship program.

Compensation to Hillside includes a 9% allocation for administration and overhead expenses. Individual students supported by City funds will be anonymously identified and tracked for periodic reports on their status and progress.

Respectfully submitted,  
Robert J. Duffy  
Mayor

Ordinance No. 2009-444  
(Int. No. 483)

Establishing Maximum Compensation For A Professional Services  
Agreement For The Hillside Work Scholarship Connection Program  
And Amending Ordinance No. 2009-172

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$736,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Hillside Children's Center for the Hillside Work Scholarship Connection Program. Of said amount, \$400,000 shall be funded from the 2009-10 Budget of the Department of Recreation and Youth Services and \$336,000 shall be funded from the 2008-09 Reserve for Encumbrances (being the funds reduced in Section 2).

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Section 2. Ordinance No. 2009-172, relating to the 2009 Summer of Opportunity Program, is hereby amended by decreasing the amount authorized and funded from the 2008-09 Budget of the Department of Recreation and Youth Services for an agreement with Hillside Children's Center for administration of the 2009 Summer of Opportunity Program by the sum of \$336,000, from \$400,000 to \$64,000.

Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - Councilmember Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul - 7.

Nays - Councilmember Warren - 1.

The meeting was adjourned at 9:00 p.m.

DANIEL B. KARIN  
City Clerk